

Also, petition of publishing house of Methodist Episcopal Church South, against increase in postage rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. GARD: Petition of Henry Schuerfranz and 400 citizens of third congressional district of Ohio, against passage of House bill 18986 and Senate bill 4429; to the Committee on the Post Office and Post Roads.

By Mr. IGOE: Petition of 950 members of the German-Austrian Benevolent Society and David Kreyling and Central Trades and Labor Union, of St. Louis, Mo., favoring additional appropriation of \$30,000 for field service of Naturalization Bureau; to the Committee on Appropriations.

Also, petitions of Bakery and Confectionery Workers of St. Louis, Mo.; Local Union, No. 279, St. Louis Branch, and International Union of United Brewery Workmen, against national prohibition; to the Committee on the Judiciary.

By Mr. KAHN: Telegrams from Charles B. Whiting, J. Gunzendorfer, J. B. Martin, Edwin Wasserman, B. R. Strack, Charles Kahn, Miss C. M. Miller, Mrs. C. Utah, Emil Kahn, H. Bull, Katherine S. Treat, N. Higgins, and J. J. Casey, all of San Francisco, Cal., protesting against the proposed rider to the Post Office appropriation bill to increase the rate on second-class postage; to the Committee on the Post Office and Post Roads.

Also, resolutions of Board of Trade of San Francisco, Cal., in opposition to the repeal of the national bankruptcy act; to the Committee on Banking and Currency.

By Mr. KEISTER: Memorial of Sunday school of Hooker, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LEWIS: Petitions of sundry citizens of the State of Maryland, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Henry M. Boward and 134 others of Hagerstown, Md., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petitions of sundry citizens of the State of Maryland, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LOBECK: Petitions of 9 citizens of Little Falls, N. Y.; 11 citizens of Erie, Pa.; Lafayette Retail Merchants' Association, of Lafayette, Ind.; Lafayette Union Stock Yards Co., of Lafayette, Ind.; Western Pennsylvania Veterinary Club; 142 employees of the United States Bureau of Animal Industry, of Omaha, Nebr.; and 51 members of Indianapolis Branch, No. 3, National Association, Bureau of Animal Industry Employees, indorsing the Lobeck bill, House bill 16060; to the Committee on Agriculture.

Also, memorial of Lafayette Branch, No. 51, National Association of Bureau of Animal Industry Employees; mayor and Common Council of city of Lafayette, Ind.; and Ottumwa Branch, No. 33, National Association of Bureau of Animal Industry Employees, indorsing the Lobeck bill, House bill 16060; to the Committee on Agriculture.

By Mr. LOUD: Memorial of City Commission of Big Rapids, Mich., relative to high cost of living; to the Committee on Interstate and Foreign Commerce.

By Mr. PAIGE of Massachusetts: Papers to accompany House bill 19716, for relief of Carrie B. Wilson; to the Committee on Invalid Pensions.

By Mr. REAVIS: Petition of H. Herpolsheimer Co., Lincoln, Nebr., against passage of the Stephens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS: Petition of citizens of Concord, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of James Buchanan and F. X. Kuchlor & Son, both of Brooklyn, N. Y., favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of H. Planten & Son, of Brooklyn, N. Y., in re pneumatic-tube service in New York City; to the Committee on the Post Office and Post Roads.

Also, memorial of the Christian Work, of New York; the Pictorial Review Co., of New York; and the Allied Printing Trades Council of Greater New York, opposing increase in second-class stuffs; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Chamber of Commerce of New York, in re export trade; to the Committee on Interstate and Foreign Commerce.

Also, memorial of International Union of the United Brewery Workers of America and the Union Label Trades Department of the American Federation of Labor, opposing prohibition legislation; to the Committee on the Judiciary.

Also, petition of American Association of State Highway Officials, relating to topographic map of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. SANFORD: Petition of sundry citizens against prohibition bills; to the Committee on the Judiciary.

Also, petition of post-office clerks of Troy, N. Y., etc., asking for increase in pay; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bill 16905, for relief of Henry Garvey; to the Committee on Invalid Pensions.

By Mr. SLOAN: Petition of National Association of Bureau of Animal Industry Employees, favoring passage of the Lobeck bill; to the Committee on Agriculture.

By Mr. SMITH of Michigan: Protest of E. A. M. Dalm, of Dalm Printing Co., of Kalamazoo, against increased rate on second-class matter in Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bill 19719, for relief of Wilson J. Parker; to the Committee on Invalid Pensions.

By Mr. STEENERSON: Memorial of Minnesota Rural Letter Carriers' Association, for equipage allowance; to the Committee on the Post Office and Post Roads.

Also, memorial of Wild Rice Farmers' Club, of Twin Valley, Minn., protesting against the enactment of any foodstuffs and farm-products embargo legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Petition of W. B. Glass and others, of Chillicothe, Tex., favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. STINESS: Petition of Typographical Union No. 33, of Providence, R. I., against increase in rates on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. TAGUE: Petition of citizens of Boston, Mass., favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. TEMPLE: Petition of Presbytery of Blairsville, Pa., indorsing Jones Sunday rest bill; to the Committee on the District of Columbia.

By Mr. TILSON: Petition of Chamber of Commerce of New Haven, Conn., asking amendment of the Panama Canal act; to the Committee on the Judiciary.

By Mr. VOLSTEAD: Petition of postal employees for increase of salaries of postal clerks and carriers; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens for increase of postal clerks' and carriers' salaries; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens against embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens against increase in second-class postal rates; to the Committee on the Post Office and Post Roads.

SENATE.

MONDAY, January 8, 1917.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast brought us into such close relationship with each other in this life that we can not bear our burdens alone. Thou hast taught us to bear one another's burdens and so fulfill the law of Christ. We pray that we may so live that we shall add nothing to the burdens of anyone who must help us bear ours, that we may help them by lives that are righteous, upright, and just. Grant that we many make the world's burdens lighter by our lives being clean before God and useful in the world. For Christ's sake. Amen.

ALBERT B. FALL, a Senator from the State of New Mexico, appeared in his seat to-day.

The Journal of the proceedings of Saturday last was read and approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chilton	Fernald	Hitchcock
Bankhead	Clapp	Fletcher	Hughes
Beckham	Clark	Gallinger	James
Borah	Culberson	Gronna	Johnson, Me.
Bryan	Curtis	Harding	Johnson, S. Dak.
Chamberlain	Dillingham	Hardwick	Jones

Kenyon	O'Gorman	Sherman	Thompson
Kern	Overman	Smith, Ga.	Tillman
Kirby	Page	Smith, S. C.	Townsend
Lane	Penrose	Smoot	Vardaman
Lodge	Ransdell	Sterling	Walsh
McCumber	Reed	Stone	Watson
Martine, N. J.	Saulsbury	Sutherland	Weeks
Nelson	Shafroth	Swanson	Williams
Norris	Sheppard	Thomas	Works

Mr. CLARK. I desire to announce the unavoidable absence of my colleague [Mr. WARREN]. I will let this announcement stand for the day.

Mr. CHILTON. I wish to announce that my colleague [Mr. Goff] is absent on account of illness.

Mr. VARDAMAN. I have been requested to announce the unavoidable absence of the Senator from Oklahoma [Mr. GORE] on account of illness.

The PRESIDENT pro tempore. Sixty Senators have answered to their names. There is a quorum present.

BUREAU OF ORDNANCE (S. DOC. NO. 667).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a copy of a letter from the Chief of Ordnance to The Adjutant General of the Army setting forth the need of the Ordnance Department for an earlier increase in the numbers of its commissioned personnel than is carried by the national-defense act of June 3, 1916, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

ANNUAL COST OF FEDERAL PRISONS (S. DOC. NO. 669).

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney General, transmitting, in response to a resolution of the 2d instant, a statement of the annual cost for the fiscal year ended June 30, 1916, of the offices of the superintendent of prisons and attorney in charge of pardons, the personnel of each office, and the expenses incurred in holding meetings of the boards of parole, which, with the accompanying paper, was referred to the Committee on the Judiciary and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the congregation of the Eastern Presbyterian Church, of Washington, D. C., praying for prohibition in the District of Columbia without the referendum, which was ordered to lie on the table.

He also presented the memorial of Max Rabinoff, of the Boston National Grand Opera Co., remonstrating against the duties now imposed upon grand opera costumes, wigs, and other paraphernalia being brought into the United States in the interest of art, which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of sundry citizens of New Hampshire, praying for an increase in the salaries of postal clerks, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of William P. Wharton, of Groton, Mass., praying that an appropriation be made for the suppression of the white-pine blister rust, which was referred to the Committee on Agriculture and Forestry.

Mr. SHEPPARD presented petitions of the congregation of the Fifteenth Street Presbyterian Church and of sundry citizens, of Washington, D. C., praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. JOHNSON of Maine presented a petition of the Maine State Grange, Patrons of Husbandry, praying for national prohibition, which was ordered to lie on the table.

He also presented a petition of the Bangor (Me.) Branch of the Railway Mail Association, praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSON of South Dakota presented a petition of the Rural Letter Carriers' Association of Lake County, S. Dak., praying for an increase in the appropriation providing for the equipment of rural letter carriers, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union of Deadwood, S. Dak., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. LODGE. I present certain resolutions adopted at a mass meeting held at Faneuil Hall, Boston, December 9, 1916. The resolutions are very brief, and I ask that they may be printed in the RECORD. They relate to the cost of living.

There being no objection, the resolutions were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

BOSTON, MASS., January 8, 1917.

UNITED STATES SENATE, Washington, D. C.

GENTLEMEN: At a mass meeting of the people of Boston, held in Faneuil Hall Saturday, December 9, 1916, the following resolutions were unanimously adopted:

"Whereas conditions have developed in Boston and throughout the United States which have caused and are causing the people of the country great suffering from exorbitant prices, and which conditions threaten to develop disastrous results to the Nation if allowed to continue; and

"Whereas it is the consensus of opinion of the persons assembled at this meeting that these conditions have been brought about largely by speculation in foodstuffs resulting from opportunities offered for speculation through the increased demands due to the European war, as well as the shortage of some of the principal crops; and

"Whereas it is deemed necessary under such conditions to conserve in every possible manner the foodstuffs in this country to first meet public requirements; and

"Whereas it is inevitable that unless some relief is afforded by the proper authorities of the Government the constantly increasing prices will become prohibitive for the great masses of the people, which will be detrimental to the best interests and future development of this country, besides creating appalling want and privation to thousands of families: Now, therefore, be it

"Resolved, That we demand that the President, the Senate, and the House of Representatives of the United States place upon the distribution of foodstuffs in this country such conditions and regulations as will prevent the restriction of production and distribution by trusts and monopolies, and insure to the people of this country sufficient foods to meet domestic requirements and living prices; and be it further

"Resolved, That we call upon the legislative and judicial branches of the Government of the United States at once to enact and enforce such laws as are necessary to protect the people of the United States against the greed, avarice, and insatiable desire of speculators for great gains and profits in the necessities of life to the detriment of the comfort and the health and the morals of the people of the United States; and be it further

"Resolved, That copies of these resolutions be sent to the President of the United States, to the Senators and the Representatives, and the United States district attorney; and that a consumers' committee be appointed, whose duty it shall be to keep in touch with the proper authorities and urge prompt action in enacting new laws and in the enforcement of the present laws affecting these conditions; and that the people of Boston keep public opinion centered on high-price evils until relief is given."

Very respectfully, yours,

BERT FORD, Secretary,
80 Summer Street, Boston, Mass.

Mr. KERN presented a petition of sundry citizens of Richmond, Ind., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Evansville and of the Brotherhood of Bookbinders of Evansville, in the State of Indiana, remonstrating against prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were ordered to lie on the table.

Mr. O'GORMAN presented a memorial of The Guidon Club, of New York City, N. Y., remonstrating against the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. TILLMAN. I present a petition signed by a large number of employees from the clerical and drafting divisions of the navy yard at New York, praying for an increase in their salaries. I move that the petition be received and referred to the Committee on Naval Affairs.

The motion was agreed to.

BRIDGE BILLS.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with an amendment the bill (S. 7359) authorizing the Delaware Railroad Co. to construct, maintain, and operate a bridge across the Nanticoke River at Seaford, Sussex County, Del., and I submit a report (No. 901) thereon. I ask for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. TOWNSEND. Mr. President I am obliged to object.

The PRESIDENT pro tempore. Objection is made.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 7538) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in Glade and Kinzua Townships, Warren County, Pa., and I submit a report (No. 904) thereon.

I also report back favorably without amendment from the same committee the bill (S. 7536) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in the borough of Warren and township of Pleasant, Warren County, Pa., and I submit a report (No. 902) thereon.

I wish to call the attention of the Senator from Pennsylvania [Mr. PENROSE] to the bills just reported.

Mr. PENROSE. I ask for the immediate consideration of the bills just reported.

The PRESIDENT pro tempore. Is there objection?

Mr. TOWNSEND. I shall have to object.

The PRESIDENT pro tempore. Objection is made, and the bills will be placed on the calendar.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 7537) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegheny, county of Cattaraugus, N. Y., reported it without amendment and submitted a report (No. 903) thereon.

Mr. CLARK, from the Committee on Public Lands, to which was referred the bill (S. 7320) adding certain lands in Wyoming to the Ashley and Wasatch National Forests, reported it with an amendment and submitted a report (No. 900) thereon.

Mr. JOHNSON of Maine, from the Committee on Pensions, to which was referred the bill (S. 199) granting a pension to Margaret Gately, submitted an adverse report (No. 899) thereon, and the bill was postponed indefinitely.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OVERMAN:

A bill (S. 7727) to provide for the purchase of a site and the erection of a suitable building for the accommodation of the United States court and post office at Laurinburg, in the State of North Carolina; to the Committee on Public Buildings and Grounds.

A bill (S. 7728) granting an increase of pension to Robert S. Robertson; and

A bill (S. 7729) granting an increase of pension to Henry Jason Edge (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 7730) granting an increase of pension to Ephraim W. Wiley (with accompanying papers);

A bill (S. 7731) granting an increase of pension to John S. Raymond (with accompanying papers);

A bill (S. 7732) granting an increase of pension to Theodore Magie (with accompanying papers);

A bill (S. 7733) granting an increase of pension to James H. Waugh (with accompanying papers);

A bill (S. 7734) granting an increase of pension to Hiram J. George (with accompanying papers);

A bill (S. 7735) granting an increase of pension to Annie H. Quill (with accompanying papers);

A bill (S. 7736) granting a pension to Charles E. Haskell (with accompanying papers); and

A bill (S. 7737) granting an increase of pension to Frank Goodwin (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 7738) granting an increase of pension to Wilfull A. Stanley (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7739) granting an increase of pension to Mary P. Moody (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of South Carolina:

A bill (S. 7740) to provide for the purchase of ground and the erection of a Weather Bureau observatory building at Greenville, S. C.; to the Committee on Agriculture and Forestry.

By Mr. O'GORMAN:

A bill (S. 7741) granting a pension to Albert E. Kelly; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 7742) placing Joseph Beale on the retired list of the Navy; to the Committee on Naval Affairs.

By Mr. SHERMAN:

A bill (S. 7743) granting an increase of pension to Thomas B. Jones; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 7744) for the relief of Nathan A. Stone; to the Committee on Claims.

A bill (S. 7745) granting a pension to W. F. Core (with accompanying papers); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 7746) to provide for the commissioning of graduates of the United States Military Academy, and for other purposes; and

A bill (S. 7747) to establish a unit of the Reserve Officers' Training Corps in a National Guard organization in each State

and Territory in the United States; to the Committee on Military Affairs.

By Mr. PENROSE:

A bill (S. 7748) to authorize the United New Jersey Railroad & Canal Co., and such other corporation or individuals as may be associated with it, to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden and State of New Jersey, and Petty Island in said county and State; to the Committee on Commerce.

By Mr. TOWNSEND:

A bill (S. 7749) granting a pension to Charles H. Hack (with accompanying papers); to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 7750) granting a pension to Josiah M. Ward (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7751) for the relief of David H. Fay; to the Committee on Claims.

A bill (S. 7752) granting a pension to Julia McMains (with accompanying papers);

A bill (S. 7753) granting a pension to Mary E. Williams (with accompanying papers);

A bill (S. 7754) granting an increase of pension to Samantha O. Andrews (with accompanying papers);

A bill (S. 7755) granting an increase of pension to Dora A. Dressler (with accompanying papers); and

A bill (S. 7756) granting an increase of pension to Justin W. Allen (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 7757) authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Okla., within which to make payment;

A bill (S. 7758) conferring jurisdiction upon the Court of Claims to hear, consider, and determine certain claims of the Cherokee Nation against the United States; and

A bill (S. 7759) to amend the general deficiency appropriation act of June 30, 1906, and the act of Congress of March 4, 1909, regarding payment of judgment of Court of Claims in favor of Cherokee Nation; to the Committee on Indian Affairs.

A bill (S. 7760) granting an increase of pension to Catharine F. Edsall, widow of the late William H. Edsall (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 7761) providing for a new building for the assay office in New York City (with accompanying paper); to the Committee on Public Buildings and Grounds.

By Mr. LANE:

A joint resolution (S. J. Res. 192) requesting the Secretary of State to invite certain foreign Governments to join with the Government of the United States in a movement to prevent the extermination of whales and walrus on the high seas; to the Committee on Fisheries.

PROHIBITION ON FEDERAL JUDGES.

Mr. OWEN. I introduce a joint resolution and ask that it lie on the table for the present.

The joint resolution (S. J. Res. 193) forbidding Federal judges to declare any act of Congress unconstitutional and providing penalties therefor was read twice by its title.

The PRESIDENT pro tempore. The joint resolution will lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to increase the number of nautical experts in the Hydrographic Office, Navy Department, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 18542), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SHERMAN submitted an amendment providing that the 24 drivers of the police patrols of the District of Columbia be hereafter made members of the District of Columbia police force, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on Appropriations and ordered to be printed.

FEDERAL FARM-LOAN ACT.

Mr. FLETCHER submitted the following resolution (S. Res. 308), which was read and referred to the Committee on Printing:

Resolved, That there be printed 13,500 additional copies of Senate document No. 500, Sixty-fourth Congress, first session, entitled "Federal farm-loan act," for the use of the Senate document room.

TERM OF OFFICE OF PRESIDENT AND VICE PRESIDENT.

The PRESIDENT pro tempore. The morning business is closed.

Mr. SHAFROTH. In pursuance of the notice I gave that I would address the Senate on joint resolution No. 177, which I introduced, I desire to take the floor at this time.

Mr. GALLINGER. Will the Senator permit the joint resolution to be read?

Mr. SHAFROTH. Certainly.

The PRESIDENT pro tempore. It will be read.

The Secretary read the joint resolution (S. J. Res. 177) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President without the intervention of the Electoral College, establishing their term of office at six years from the third Tuesday of January following their election, and fixing the time when the terms of Senators and Representatives shall begin, as follows:

Resolved, etc., That the following be proposed as an amendment to the first three paragraphs of section 1, Article II, and to Article XII, and the second paragraph of section 4 of Article I of the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the States:

Amend the first, second, and third paragraphs of section 1 of Article II and Article XII of the Constitution of the United States by inserting in lieu thereof the following:

"The executive power shall be vested in a President of the United States of America. The term of the office shall be six years, beginning on the third Tuesday of January after his election, and no person who shall be elected to the office of President, after the ratification of this amendment, shall be eligible to hold the office by election. The President, together with the Vice President chosen for the same term, shall be elected as follows:

"There shall be submitted to the qualified voters of each State having the qualifications requisite for the voters of the most numerous branch of the State legislature or for the voters for electors for President and Vice President, the election of a President and Vice President of the United States. The proper State officers shall make a list of all persons voted for as President and Vice President and of the number of votes cast in such State for each, which list they shall sign, certify, and transmit to the seat of the Government of the United States, directed to the President of the Senate. The candidate receiving the highest number of votes in each State for each office shall be entitled to receive the electoral vote of such State for such office, which electoral vote shall be equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress of the United States. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes for President and Vice President to which each State is entitled, called electoral votes, shall then be counted. The person having the greatest number of electoral votes for President shall be the President, if such number be a majority of the votes entitled to be cast by the States; and if no person shall have such majority, then from the persons having the highest number, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a Member or Members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the third Tuesday of January next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of electoral votes as Vice President shall be the Vice President, if such number be a majority of the whole number of the votes of the States, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States."

Amend the second paragraph of section 4 of Article I of the Constitution of the United States by substituting in lieu thereof the following:

"The Congress shall assemble at least once in every year, and such meeting shall be on the first Tuesday in January, unless they shall by law appoint a different day, and the terms of Senators and Representatives shall commence on the first Tuesday in January following their election. The terms of the officers mentioned in this resolution who may be in office at the time of the adoption of this amendment are hereby changed to conform herewith, but each of said officers shall be entitled to the salary for the term for which he shall have been elected."

Mr. SHAFROTH. Mr. President, upon the convening of the present session of Congress I introduced Senate joint resolution 177, proposing an amendment to the Constitution providing for the election of President and Vice President by the electoral vote of the State without the intervention of the Electoral College; establishing their term of office at six years from the third Tuesday of January following their election; fixing the first Tuesday of January following their election as the time when the terms of Senators and Representatives shall begin, and designating the first Tuesday of January each year as the date for the convening of Congress.

THE ELECTORAL COLLEGE SHOULD BE ABOLISHED.

The Electoral College at the time of the formation of our Government was deemed a wise means of electing the President and Vice President, as it was expected the members would exercise their best judgment in selecting such officers. Washington hoped political parties would never come into existence. However, they soon developed, and after they made nominations for those offices presidential electors exercised no judgment of their own as to the candidates, but, with only one exception, cast

their votes for the party nominees. The purpose of the Electoral College having thus been voided, the machinery by which the electoral vote was cast became not only cumbersome but dangerous. Notwithstanding full explanations have repeatedly been made, many voters when they go to the polls expect to vote directly for President and Vice President, and consequently the list on the ballots of different groups of men as electors for such officers is confusing to them. The result is that some presidential electors receive more votes than their party associates, and the effect sometimes is to split the vote of a State in the electoral college. Four years ago the vote of California was so divided, as was also the vote of West Virginia in the recent election. Since the election of 1872, 11 other States have split their vote under this system. Such results are subversive of the true intent of the voters of those States.

There is always a possibility, though not a probability, of an elector casting his vote against the party nominees. Mr. Dougherty, in his work on The Electoral System of the United States, says, at page 253:

Nevertheless there is the ever-present possibility of a breach of trust. Treason may seem a remote contingency, yet in a time of great temptation there might come an electoral Benedict Arnold. It is in the face of all logic and experience to infer that because no traitor has yet been discovered a temptation of such peculiar subtlety will forever remain without a victim.

The elector in the constitutional sense is an abortive organism. He has no function to fulfill. But he is not merely functionless, he is dangerous. It is as true in the moral as it is in the material realm that any mechanism or organ that has ceased to perform its function is sure to work mischief, if not positive detriment.

As certain qualifications are prescribed for presidential electors, there is also a chance that one elected may not be eligible for the position. While, happily, so far there has not been an overturning of the will of the people by reason of the operation of those laws, yet in a close election such result might happen with disastrous consequences.

The constitutional amendment proposed provides that the candidates for President and Vice President shall be directly voted for by the qualified citizens of each State, and that whoever receives the highest number of votes in a State for such offices shall be entitled to the electoral vote of such State, which electoral vote shall be equal to one vote for each Senator and Representative of that State, as now provided by the Constitution. In other words, the electoral representation is preserved but the dangerous machinery abolished.

Some believe that the President should be elected by a majority of the total vote of the Republic, but a moment's reflection will show the impracticability of such a procedure. Colorado has woman suffrage. Connecticut has not. Although those States have practically equal population, the vote of Colorado is twice as large as the vote of Connecticut. Connecticut would never agree that the big vote of Colorado should be counted as part of the total vote of the Republic when her vote is only half as large. Hence it would be impossible for such an amendment to receive the approval of the legislatures of three-fourths of the States.

Mr. THOMAS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to his colleague?

Mr. SHAFROTH. Certainly.

Mr. THOMAS. Does not my colleague think that Connecticut could very easily remedy that discrepancy by granting suffrage to women?

Mr. SHAFROTH. Certainly; and it should do so; but the question is, Will it do so? Some States of the Republic will not, and for that reason it would be futile to attempt to present a constitutional amendment providing that the President and Vice President shall be elected by a majority of the popular vote when there is such a difference in the qualifications of voters in the several States. I would not hope to gain even a favorable report upon a matter of that kind, mixing with it another question.

Mr. JOHNSON of South Dakota. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from South Dakota?

Mr. SHAFROTH. I yield to the Senator.

Mr. JOHNSON of South Dakota. I should like to ask if the qualifications of all the voters in Colorado are not the same?

Mr. SHAFROTH. Certainly, they are.

Mr. JOHNSON of South Dakota. Then, wherein would there be reasonable objection to having the President elected by a majority vote?

Mr. SHAFROTH. In the entire Republic, does the Senator mean?

Mr. JOHNSON of South Dakota. In any State in the Union if the people were in favor of a majority vote electing.

Mr. SHAFROTH. I am in favor of a majority vote in each State determining how the electoral vote of that State shall be

cast; but on the question of a popular vote in the Republic, counting the vote in the aggregate of all the States, it would be futile to hope that such a constitutional amendment would ever receive the approval of three-fourths of the legislatures of the States. For that reason it would be simply waste paper to introduce a joint resolution proposing a constitutional amendment of that kind; but if we preserve the electoral vote as it now exists, and as it was agreed upon at the time of the formation of the Constitution, without the Electoral College, I have hopes that the complicated and dangerous machinery now employed in the selection of an Electoral College will be abolished, and that is my purpose in introducing this joint resolution.

The determination as to the electoral vote each State should have was the result of a compromise between the small and the large States, and it is not likely that the small States would ever consent to changing their relative power in the election of a President and Vice President.

Popular elections for the electoral vote by congressional districts and two at large for each State is subject to the serious objection that each State would gerrymander the districts to give political advantage, and thus destroy the will of the people of that State. It would also multiply the possibility of disputes over the election and returns by making the returns so numerous.

SIX-YEAR TERM FOR PRESIDENT WITH INELIGIBILITY TO REELECTION.

The term of the President and Vice President, in my judgment, should be six years. No policy of a President can be put into effect and tested in a shorter period of time than six years. To have a campaign waged upon the policies of an administration before the laws enacted therein have been given a reasonable time in which to demonstrate their benefits is not fair. It takes time to enact measures and it takes a longer time to test their value.

The President after six years of service should be ineligible to reelection. There is always a temptation to use the 480,327 employees of the Government in the interest of reelection, and in the hands of some candidate that power might be used to the subversion of the will of the people. A President is subject in many instances to the same influences as other men. While in office, and a candidate for reelection, his action might sometimes be influenced by the threat or offer of support of particular classes of people. Organized opposition of even small bodies of voters is often sufficient in close States to defeat a candidate. The office should be made free from such influence. Reelections to the position of chief executive of a nation has often been the means by which usurpation has been consummated and the overthrow of Republics accomplished. We should never forget that "eternal vigilance is the price of liberty."

Mr. SUTHERLAND. Mr. President, before the Senator passes from the portion of his address devoted to the six-year term—a suggestion with which I may say to the Senator I entirely agree; I believe that it would be a wise change to make; and I also agree with the Senator that it would be wise to provide for a single term—I desire to ask him this question: The platform adopted by the Senator's party in 1912 at Baltimore contained a plank declaring in favor of a single term for the President and pledging the nominee of that convention to that principle. The platform adopted at St. Louis in 1916, as I recall, omitted that principle. Can the Senator tell us whether the Democratic Party has changed its mind in reference to that question?

Mr. SHAFROTH. Mr. President, the platform of 1912 was not exactly as the Senator has stated it.

Mr. SUTHERLAND. It is exactly as the Senator has stated, except that the Senator has omitted one element.

Mr. SHAFROTH. The provision which is contained in the platform of 1912 reads as follows:

We favor a single presidential term, and to that end urge the adoption of an amendment to the Constitution making the President of the United States ineligible for reelection, and we pledge the candidate of this convention to this principle.

Mr. SUTHERLAND. The principle of what? The principle of the single term?

Mr. SHAFROTH. The principle of adopting a constitutional amendment providing for the ineligibility of a President to be again a candidate.

Mr. SUTHERLAND. Oh, no, Mr. President; that will not do. The adoption of a constitutional amendment is not a principle.

Mr. SHAFROTH. It is the principle—

Mr. SUTHERLAND. The principle, if the Senator will permit me to finish my suggestion, is the single term; and the platform of the Senator's party pledges the candidate to the principle of a single term.

Mr. SHAFROTH. Well, Mr. President, the pledge which is made here is that there should be a constitutional amendment

embodying that principle. Now, I want to say with relation to that—

Mr. SUTHERLAND. Let me ask the Senator there, then, why, his party being in control of both Houses of Congress for the past four years, some attempt has really not been made to carry out that pledge of the Democratic platform?

Mr. SHAFROTH. Oh, Mr. President, we enacted some 20 or 25 pledges; but we can not carry everything into effect. I am trying to have one carried into effect here now, and I hope to have the cooperation of the Senator. Did the Senator introduce any measure looking to a constitutional amendment providing that the President shall be ineligible for reelection?

Mr. SUTHERLAND. No; because it was not necessary. Some other Senator introduced such a measure, and it was reported favorably from the Committee on the Judiciary. It was debated upon the floor of the Senate, and the Senator from Utah announced himself as being in favor of it; but for some mysterious reason the whole matter was abandoned, and I wish the Senator would enlighten us as to why that was done.

Mr. SHAFROTH. There are hundreds of measures that are abandoned because they have to be abandoned. I have had a bill up here to give civil government to Porto Rico, and I have been for six months trying to get a hearing upon it, but it has been impossible to do so. I have asked unanimous consent several times for its consideration, and I have moved its consideration several times. It is an important measure, involving the liberties and rights of the people of Porto Rico, but I can not get consideration of it.

Now, I want to say further that, while the Senator no doubt is directing his criticism to the action of the President, the situation was such, as it developed, that President Wilson could not have declined with fairness to his party a renomination for that office. Under the conditions which arose by reason of his being in the office during the critical stages of negotiations existing between this country and foreign Governments it would have been absolutely a desertion of the Democratic Party if he had refused to be a candidate for the office of President.

Mr. SUTHERLAND. The President, however, in line with the declaration of his platform which pledged him to the principle of a single term, might very well have suggested to his party in Congress the advisability of adopting a constitutional amendment carrying the principle into effect.

Mr. SHAFROTH. Oh, Mr. President, you can conceive of things that ought to be said or ought to be done by every Senator here, and sometimes we say them and sometimes we do not; sometimes we do not get the chance to say them at an opportune time, and for that reason it seems to me the criticism of the Senator is not well founded.

THE NEW CONGRESS SHOULD COUNT AND DECLARE THE ELECTORAL VOTE.

The President and Vice President should enter upon the performance of their duties as soon as the new Congress can count the electoral votes, just as the newly elected governors of our States are inducted into office as soon as the new legislatures of the States canvass the votes and declare them elected. That is the reason why Congress should convene two weeks before the inauguration. The shorter the time between the convening of Congress and the inauguration of the President the less danger there is of complications arising from death of the candidate. In many States the legislature convenes only one week before the inauguration of the governor.

At present the old Congress counts the electoral votes. After a very close election which changes the political complexion of an administration it is dangerous to permit the defeated party to retain control of the machinery by which such important officers are declared elected.

Under our Constitution, upon the failure of any candidate to receive a majority of the electoral votes, it devolves upon the House of Representatives to elect, the representation from each State having one vote. This at present is done not by the new Congress but by the old one. Thereby it is possible for a political party repudiated by the people to elect a President. This is a clear violation of the principle of representative government. Had the present election of President, by any of the contingencies provided, been thrown into the House of Representatives, Mr. Hughes would have been elected. It is not difficult to conceive of a condition arising under the present system, by which injustice might be done that would produce a revolution. Why take the chances of a conflict that may rock the very foundation of our Government when the evil can be easily remedied?

The Constitution further provides: "If the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice President shall act as President,

as in the case of death or other constitutional disability of the President." What a temptation for delay and for the defeat of the true choice of the people! Now is the time, before the contingencies arise, to remedy the defect.

The fact that the weather of January would be inclement for an inaugural parade is too insignificant a reason to prevent the adoption of a constitutional amendment which promises so much for good government. Why should we have in a Republic the great pomp and ceremony which usually attend the coronation of monarchs? If we must have them, why can not they be in the nature of celebrations at some seasonable time?

CONGRESS SHOULD CONVENE ON THE FIRST TUESDAY OF JANUARY FOLLOWING THE ELECTION.

Mr. President, under the present system Congress is elected on the first Tuesday after the first Monday in November of the even years and does not convene in regular session until the first Monday of December of the year following. What a travesty upon representative government is the meeting of Congress 13 months after its election! What a delusion is the statement that Representatives come fresh from the people! What an opportunity is afforded to forget the pledges made at the election! It is true an extraordinary session may be called early, but such sessions are limited generally to one subject, which of necessity makes enormous waste of the time of each House in waiting for the other to consider and pass the measure. It is essential to good government that the expressed will of the people be crystallized into law at the earliest practical moment. Senators and Representatives in the campaign, having discussed the issues with all their ability, are better equipped than to enact into law the desired legislation than after a long delay.

The meeting of Congress 13 months after the election produces most inequitable results in contested-election cases. The term of a Representative is nearly half served before the committee can enter upon the consideration of his case, and it is not brought to a vote in the House until 15 to 24 months after the commencement of the term. The Government, in the meantime, pays the salary to the one who serves and also to the contestant should he be seated. During all that time the congressional district, at least politically, is misrepresented.

The time for the convening of Congress on the first Monday in December is very inopportune. An adjournment of 10 days or two weeks for the Christmas holidays is always taken and many Members go to their homes, returning late. No real work is done until January.

Heretofore it has been deemed inexpedient to prescribe that Congress shall convene in January following the election, because Senators were not elected by the legislatures until the middle of January, and sometimes not until February and March. The warm season being near would make it undesirable for the holding of a long session of Congress for the consideration of general legislation, but since Senators are now elected by the people at the general November election it becomes very proper for Congress to convene in January.

ABOLISH THE SHORT SESSION.

Mr. President, the terms of office of Senators and Representatives expire on the 3d day of March, and now the second regular session is held during the three months immediately preceding. This second regular session, called the short session, is held after the election of the new Congress, when many Members of this short session have been defeated by the people. To permit such Senators and Representatives, after they have failed of election, still to represent their constituents is contrary to every principle of our Government.

Often there is a complete political change of administration, but under the present system we have the representatives of the old political party for three months after defeat passing laws directly in conflict with the last expressed will of the people. Not even the legislative bodies of monarchies are permitted so to misrepresent their constituents. An examination of the Statutes at Large will disclose that outside of the general appropriation and private pension bills three-fourths of the legislation of a Congress is enacted during the second regular session. Such legislation so hastily enacted must be illy considered and some of it detrimental.

The record of each Senator and Representative should be completed before he comes before his constituents for indorsement. After he has been retired by the people he is not in a fit frame of mind to legislate in their behalf. If he is open to the temptation of an improper offer, then is the time it is suggested. Even those who are not subject to temptation often lose interest in legislation after failure of election. It is well known that defeated Members, during the closing session, often absent themselves for weeks and sometimes months.

A session should not be held which is brought to a close by constitutional limitation. Measures in behalf of the people are

often defeated thereby. By postponing consideration to the expiring days of the limited session such a congestion of bills is accumulated as often precludes the enactment of measures most intimately connected with the welfare of the people.

This is one of the most important reforms needed in our Government, because it relates to the procedure by which all reforms can be enacted.

Mr. President, true representative government requires that citizens of a State should vote directly for President and Vice President; that the Electoral College should be abolished; that Congress should convene soon after the election thereof; that the electoral votes for President and Vice President should be counted and declared by the new Congress; and that the President should begin the work of his administration without hindrance or delay.

WATER-POWER DEVELOPMENT.

Mr. WALSH and Mr. TOWNSEND addressed the Chair.

The PRESIDENT pro tempore. The Senator from Montana. Mr. WALSH. I move that the Senate now proceed to the consideration of House bill 408, to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. GALLINGER. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hitchcock	Page	Sutherland
Beckham	Hughes	Penrose	Swanson
Brandegee	James	Pittman	Thomas
Bryan	Johnson, S. Dak.	Poin Dexter	Thompson
Chamberlain	Jones	Saulsbury	Tillman
Chilton	Kenyon	Shafroth	Townsend
Clapp	Lodge	Sheppard	Walsh
Clark	McCumber	Sherman	Watson
Dillingham	McLean	Simmons	Williams
Fletcher	Martine, N. J.	Smith, Ga.	Works
Gallinger	Norris	Smith, S. C.	
Gronna	Overman	Smoot	
Harding	Owen	Stone	

Mr. BECKHAM. I wish to announce that the junior Senator from Mississippi [Mr. VAEDAMAN] is temporarily absent on official business. This announcement may stand for the day.

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of official business.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. A quorum is present.

Mr. STONE. Mr. President, if it is in order—I am not sure—and the Senator from Montana will yield for the request I desire to make, I should like to introduce a joint resolution pending the motion of the Senator from Montana, and I ask for immediate action upon it.

The PRESIDENT pro tempore. Does the Senator from Montana yield for that purpose?

Mr. WALSH. I did not understand the nature of the joint resolution.

Mr. STONE. I will ask to have the joint resolution read. It is very short.

Mr. GALLINGER. I reserve the right to object, Mr. President.

The PRESIDENT pro tempore. The Secretary will read the title of the joint resolution.

The SECRETARY. Joint resolution providing for the filling of a vacancy which will occur March 1, 1917, in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress.

Mr. TOWNSEND. I object, Mr. President.

Mr. STONE. I will withdraw the joint resolution for the present.

The PRESIDENT pro tempore. Objection is made. The question before the Senate is the motion of the Senator from Montana that the Senate proceed to the consideration of House bill 408, to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. TOWNSEND. I move that the motion be laid on the table; and on that question I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I have a pair with the senior Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote.

Mr. McLEAN (when his name was called). I have a pair with the senior Senator from Montana [Mr. MYERS]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Tennessee [Mr. LEA] and will vote. I vote "nay." I desire this statement of my pair and its transfer to stand for the day.

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Virginia [Mr. MARTIN] and vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the affirmative). I transfer my pair with the senior Senator from Maryland [Mr. SMITH] to the senior Senator from Minnesota [Mr. NELSON] and will allow my vote to stand.

Mr. HARDING (after having voted in the affirmative). As the junior Senator from Alabama [Mr. UNDERWOOD] has not voted, and as I have a general pair with him, I withdraw my vote.

Mr. JAMES. I should like to inquire if the junior Senator from Massachusetts [Mr. WEEKS] has voted?

The PRESIDENT pro tempore. He has not.

Mr. JAMES. I have a pair with that Senator. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. CHAMBERLAIN. I am paired with the junior Senator from Pennsylvania [Mr. OLIVER], but I understand that if he were present he would vote as I propose to vote, and I therefore vote "yea."

Mr. OWEN. I transfer my pair with the senior Senator from New Mexico [Mr. CATRON] to the junior Senator from California [Mr. PHELAN] and vote "nay."

Mr. CHILTON. I transfer my pair with the junior Senator from New Mexico [Mr. FALL] to the junior Senator from Wisconsin [Mr. HUSTING] and vote "nay."

Mr. BRADY. I have a general pair with the junior Senator from Mississippi [Mr. VARDAMAN] and therefore withhold my vote.

Mr. WADSWORTH. I transfer my pair with the junior Senator from New Hampshire [Mr. HOLLIS] to the senior Senator from Idaho [Mr. BORAH] and vote "yea."

Mr. McLEAN. I transfer my pair with the senior Senator from Montana [Mr. MYERS] to the junior Senator from Pennsylvania [Mr. OLIVER] and vote "yea."

Mr. GRONNA (after having voted in the affirmative). I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The PRESIDENT pro tempore. He has not.

Mr. GRONNA. I have a general pair with that Senator. Not being able to get a transfer, I withdraw my vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The senior Senator from New Mexico [Mr. CATRON] with the junior Senator from Oklahoma [Mr. OWEN]; and

The junior Senator from New Mexico [Mr. FALL] with the senior Senator from West Virginia [Mr. CHILTON].

The result was announced—yeas 30, nays 28, as follows:

YEAS—30.

Brandegee	Gallinger	McLean	Sterling
Chamberlain	Jones	Martine, N. J.	Sutherland
Clapp	Kenyon	Norris	Townsend
Clark	Kern	Page	Wadsworth
Cummins	Lane	Penrose	Watson
Curtis	Lippitt	Poindexter	Works
Dillingham	Lodge	Sherman	
Fernald	McCumber	Smoot	

NAYS—28.

Ashurst	Hughes	Ransdell	Smith, S. C.
Bankhead	James	Saulsbury	Stone
Bryan	Johnson, S. Dak.	Shafroth	Swanson
Chilton	O'Gorman	Sheppard	Thomas
Fletcher	Overman	Shields	Thompson
Hardwick	Owen	Simmons	Walsh
Hitchcock	Pittman	Smith, Ga.	Williams

NOT VOTING—38.

Beckham	Gore	Lewis	Smith, Ariz.
Borah	Gronna	Martin, Va.	Smith, Md.
Brady	Harding	Myers	Smith, Mich.
Broussard	Hollis	Nelson	Tillman
Catron	Husting	Newlands	Underwood
Colt	Johnson, Me.	Oliver	Vardaman
Culberson	Kirby	Pelan	Warren
du Pont	La Follette	Pomerene	Weeks
Fall	Lee, Tenn.	Reed	
Goff	Lee, Md.	Robinson	

So Mr. WALSH's motion was laid on the table.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. TOWNSEND. Mr. President, I move to take up Senate bill 392, known as the volunteer officers' retired-list bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Michigan.

Mr. CHAMBERLAIN. Mr. President, I desire to say in reference to this bill that it was reported out of the Committee on Military Affairs by me nearly a year ago. It has been before the Senate during all of this season, and I feel that the Senate ought to take it up and dispose of it one way or the other.

Mr. SMITH of South Carolina. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. CHAMBERLAIN. I yield.

Mr. SMITH of South Carolina. I should like to call the attention of the Senator from Oregon to the fact that the committee of conference on the part of the Senate upon the immigration bill is ready to report. I wish to submit the conference report and to ask for its immediate consideration.

Mr. CHAMBERLAIN. If the Senator will allow me, it will not take me two minutes to say what I will have to say, and his matter is privileged, I know.

Mr. GALLINGER. Mr. President, I should like very much to hear what the Senator from Oregon wishes to say, but as this is not a debatable question I hope it will not lead to general debate.

Mr. CHAMBERLAIN. I shall not discuss it at length. If the Senator objects, all right.

Mr. GALLINGER. I do not object.

Mr. CHAMBERLAIN. I shall make a very brief statement.

Mr. WALSH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Montana?

Mr. CHAMBERLAIN. I yield.

Mr. WALSH. I shall be obliged to object to anyone explaining why this bill should be taken up unless I am permitted to explain why House bill 408 ought to be taken up.

Mr. CHAMBERLAIN. If the Senator objects, all right.

Mr. WALSH. If the question is to be open for general discussion, I have no objection to the Senator proceeding.

The PRESIDENT pro tempore. The motion is not debatable, and there seems to be objection. The question is on the motion of the Senator from Michigan.

Mr. STONE. What is the motion?

The PRESIDENT pro tempore. The motion of the Senator from Michigan is to take up Senate bill 392, commonly known as the Civil War volunteer officers' retired-list bill.

Mr. POINDEXTER and Mr. TOWNSEND called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BRADY (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. VARDAMAN] and for that reason I withhold my vote. If permitted to vote, I should vote "yea."

Mr. CHILTON (when his name was called). Making the same announcement of the transfer of my pair as on the former vote, I vote "nay."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], which I transfer to the Senator from Minnesota [Mr. NELSON]. I vote "yea."

Mr. McLEAN (when his name was called). I transfer my pair with the Senator from Montana [Mr. MYERS] to the junior Senator from Pennsylvania [Mr. OLIVER] and vote "yea."

Mr. OVERMAN (when his name was called). Making the same announcement made previously, I vote "nay."

Mr. OWEN (when his name was called). Making the same transfer of my pair as before, I vote "nay."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Ohio [Mr. POMERENE] and vote "nay."

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). Making the same transfer of my pair as before, I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the junior Senator from Louisiana [Mr. BROUSSARD], and I vote "nay."

Mr. WADSWORTH (when his name was called). In the absence of the junior Senator from New Hampshire [Mr. HOLLIS], with whom I am paired, I withhold my vote.

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. CURTIS. I have been requested to announce the pair of the Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 36, nays 29, as follows:

YEAS—36.

Borah	Gallinger	Lippitt	Sherman
Brandeggee	Gronna	Lodge	Smoot
Chamberlain	Hitchcock	McCumber	Sterling
Clapp	Johnson, Me.	McLean	Sutherland
Clark	Johnson, S. Dak.	Martine, N. J.	Thompson
Cummins	Jones	Norris	Townsend
Curtis	Kenyon	Page	Watson
Dillingham	Kern	Penrose	Weeks
Fernald	Lane	Polindexter	Works

NAYS—29.

Ashurst	Hughes	Reed	Stone
Bankhead	James	Saulsbury	Swanson
Beckham	Lee, Md.	Shafroth	Tillman
Bryan	O'Gorman	Sheppard	Walsh
Chilton	Overman	Shields	Williams
Cuiberson	Owen	Simmons	
Fletcher	Pittman	Smith, Ariz.	
Hardwick	Ransdell	Smith, S. C.	

NOT VOTING—31.

Brady	Harding	Myers	Smith, Md.
Broussard	Hollis	Nelson	Smith, Mich.
Catron	Husting	Newlands	Thomas
Colt	Kirby	Oliver	Underwood
du Pont	La Follette	Phelan	Vardaman
Fall	Lea, Tenn.	Pomerene	Wadsworth
Goff	Lewis	Robinson	Warren
Gore	Martin, Va.	Smith, Ga.	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

REGULATION OF IMMIGRATION.

Mr. SMITH of South Carolina. I submit the following report (No. 352) from the committee of conference on the immigration bill, and I ask for its immediate consideration.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 10384, "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 7, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 29, 30, 31, 33, 34, 36, and 37, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "unless otherwise provided for by existing treaties persons who are natives of islands not possessed by the United States adjacent to the Continent of Asia, situate south of the twentieth parallel of latitude north, west of the one hundred and sixtieth meridian of longitude east from Greenwich, and north of the tenth parallel of latitude south, or who are natives of any country, province, or dependency situated on the Continent of Asia west of the one hundred and tenth meridian of longitude east from Greenwich and east of the fiftieth meridian of longitude east from Greenwich and south of the fiftieth parallel of latitude north, except that portion of said territory situate between the fiftieth and the sixty-fourth meridians of longitude east from Greenwich and the twenty-fourth and thirty-eighth parallels of latitude north, and no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following:

"Sec. 11a. That the Secretary of Labor is hereby authorized and directed to enter into negotiations, through the Department of State, with countries vessels of which bring aliens to the United States, with a view to detaching inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers between foreign ports and ports of the United States. When such inspectors and matrons are detailed for said duty they shall remain in that

part of the vessel where immigrant passengers are carried; and it shall be their duty to observe such passengers during the voyage and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers that may have become known to them during the voyage."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"All aliens coming to the United States shall be required to state under oath the purposes for which they come, the length of time they intend to remain in the United States, whether or not they intend to abide in the United States permanently and become citizens thereof, and such other items of information regarding themselves as will aid the immigration officials in determining whether they belong to any of the excluded classes enumerated in section 3 hereof."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "taken up his permanent residence in this country"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "July 1, 1917"; and the Senate agree to the same.

E. D. SMITH,

THOMAS W. HARDWICK,

H. C. LODGE,

Managers on the part of the Senate.

JOHN L. BURNETT,

E. A. HAYES,

Managers on the part of the House.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of the conference report.

Mr. TOWNSEND. Mr. President—

The PRESIDENT pro tempore. The Senator from South Carolina moves that the Senate proceed to the consideration of the conference report.

Mr. SMITH of South Carolina. My motion will not take a moment; it is not debatable.

Mr. TOWNSEND. Will the consideration of the conference report lead to any debate?

Mr. BRANDEGEE. I rise to a point of order, Mr. President. The PRESIDENT pro tempore. The Senator from Connecticut will state it.

Mr. BRANDEGEE. The conference report, of course, has the right to be received, but I suppose, except by unanimous consent, it can not be proceeded with to-day.

Mr. TOWNSEND. That was my object in asking the Senator from South Carolina the question. I did not want to object to the consideration of the report if it was not going to lead to debate.

Mr. SMITH of South Carolina. I do not think it will lead to debate.

Mr. LODGE. Mr. President, if I may be permitted a moment, a single objection will not carry the report over. The question of consideration can be raised and must be decided at once without debate.

Mr. BRANDEGEE. The only point I desired to make was that the motion to proceed to the consideration of the report, if agreed to, would displace the bill that we have just agreed to consider.

Mr. LODGE. Not if it comes up by unanimous consent.

Mr. BRANDEGEE. If the report comes up by unanimous consent and the bill is temporarily laid aside, with the agreement that we shall again take it up, that is a different proposition.

The PRESIDENT pro tempore. The rule requires that the motion shall be immediately put and shall be decided without debate. Those in favor of proceeding to the consideration of the conference report will say "aye." [A pause.] Those opposed will say "no."

Mr. SMITH of South Carolina. I call for a division.

The PRESIDENT pro tempore. A division is called for. The Chair is in doubt. Those in favor of proceeding to the consideration of the conference report will rise.

Mr. SMITH of South Carolina. Mr. President, I do not think that the Senate fully understands this matter. Of course, the question is not debatable, but I wish to say that I do not know

of any ground upon which there can be any objection to the report. I do not think it will lead to any debate.

Mr. TOWNSEND. Mr. President, if the Senator from South Carolina will ask unanimous consent to have the conference report taken up, I will ask to lay aside temporarily the bill now before the Senate, so that the conference report may be considered. I do not wish, however, a motion to prevail here which would displace the bill that we have just agreed to consider.

Mr. SMITH of South Carolina. I understand as thoroughly as does the Senator that it is a privileged motion and that I can make it anyway, but I have no objection to asking for unanimous consent for the present consideration of the conference report.

Mr. OWEN. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. SMITH of South Carolina. Then, I move that the Senate proceed to the consideration of the conference report, and on that I ask for the yeas and nays.

Mr. HITCHCOCK. I should like to inquire whether under the rule the conference report should not first be printed?

Mr. LODGE. No; that is the House rule.

The PRESIDENT pro tempore. The Chair will say that the rule seems to be imperative on the Chair to put the motion immediately and without debate. Rule XXVII provides as to the presentation of a conference report that—

When received the question of proceeding to the consideration of the report, if raised, shall be immediately put and shall be determined without debate.

Mr. SMITH of South Carolina. I call for the yeas and nays on the motion, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). Making the same announcement of the transfer of my pair as on the last vote, I vote "yea."

Mr. CHILTON (when his name was called). Making the same announcement as to my pair and its transfer as on the former vote, I vote "yea."

Mr. DILLINGHAM (when his name was called). I withhold my vote because I am paired generally with the senior Senator from Maryland [Mr. SMITH], who is absent.

Mr. OVERMAN (when his name was called). Making the same announcement as to the transfer of my pair as before, I vote "yea."

Mr. REED (when his name was called). Making the same transfer of my pair as on the last vote, I vote "yea."

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). The occupant of the chair makes the same announcement of his pair and its transfer as on the former vote and votes "yea."

Mr. TILLMAN (when his name was called). Repeating the announcement of the transfer of my pair which I made a moment ago, I vote "yea."

Mr. WADSWORTH (when his name was called). In the absence of the junior Senator from New Hampshire [Mr. HOLLIS], with whom I am paired, I withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Nevada [Mr. NEWLANDS], I vote "yea."

The roll call was concluded.

Mr. McLEAN. Transferring my pair with the Senator from Montana [Mr. MYERS] to the junior Senator from Pennsylvania [Mr. OLIVER], I vote "nay."

Mr. BRADY. I have a general pair with the junior Senator from Mississippi [Mr. VARDAMAN] and therefore withhold my vote. If privileged to vote, I should vote "nay."

The result was announced—yeas 33, nays 31, as follows:

YEAS—33.

Bankhead	Kirby	Saulsbury	Swanson
Beckham	Lee, Md.	Shafroth	Thomas
Borah	Lodge	Sheppard	Tillman
Bryan	McCumber	Shields	Underwood
Chilton	Overman	Simmons	Walsh
Culberson	Pittman	Smith, Ariz.	Williams
Hardwick	Ransdell	Smith, Ga.	
James	Reed	Smith, S. C.	
Johnson, Me.	Robinson	Stone	

NAYS—31.

Brandegge	Gronna	McLean	Smoot
Chamberlain	Harding	Martine, N. J.	Sterling
Clapp	Hitchcock	Nelson	Sutherland
Clark	Jones	Norris	Townsend
Cummins	Kenyon	O'Gorman	Watson
Curtis	K. n.	Page	Weeks
Fernald	Lane	Polindexter	Works
Gallinger	Lippitt	Sherman	

NOT VOTING—32.

Ashurst	Fletcher	Lea, Tenn.	Phelan
Brady	Goff	Lewis	Pomerene
Broussard	Gore	Martin, Va.	Smith, Md.
Cañon	Hollis	Myers	Smith, Mich.
Coit	Hughes	Newlands	Thompson
Dillingham	Husting	Oliver	Vardaman
du Pont	Johnson, S. Dak.	Owen	Wadsworth
Fall	La Follette	Penrose	Warren

So the motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States.

Mr. GALLINGER. Mr. President, I rise to do what I rarely ever do in the Senate, and that is to make an explanation of why I voted against the motion to proceed to the consideration of the conference report.

The bill which the Senator from Michigan [Mr. TOWNSEND] has in charge has been before the Senate in one form or another for a good many years. It has been made the unfinished business at this session; has been displaced, and has been antagonized by various other bills from time to time. The friends of that bill have felt that it has not been fairly treated. It was taken up on a yeas-and-nays vote this morning. The custom, though it is not invariable, when a conference report comes in is to have it printed and lie over for one day, and I felt that that custom ought to have been pursued in this case. Of course, the motion of the Senator from South Carolina was in order; under the rules he had a right to make it; and no fault can be found with that. I did not vote against taking up the conference report, Mr. President, because of any antagonism to it, for I shall support it, but simply for the reason that I thought the public service would not be injured in any way if the conference report should be printed and lie over for to-day, to be taken up to-morrow, giving this legislative day to the consideration of the volunteer officers' retired-list bill. That is all I care to say about it.

Mr. McCUMBER. Mr. President, I move to reconsider the vote by which the conference report was taken up. My reason for moving to reconsider that vote is that I voted under a misapprehension.

Mr. SMITH of South Carolina. I move to lay the motion of the Senator from North Dakota on the table.

Mr. STONE. I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). Making the same announcement as to my pair and its transfer as heretofore, I vote "yea."

Mr. CHILTON (when his name was called). Making the same announcement as to my pair and its transfer as on the former vote, I vote "yea."

Mr. DILLINGHAM (when his name was called). Because of my pair with the senior Senator from Maryland [Mr. SMITH], who is absent, I withhold my vote.

Mr. OVERMAN. Announcing as on the last roll call my pair and its transfer, I vote "yea."

Mr. OWEN (when his name was called). I make the same announcement as to my pair and its transfer as heretofore and vote "yea."

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). Making the same transfer of my pair as heretofore, I vote "yea."

Mr. WADSWORTH (when his name was called). In the absence of the junior Senator from New Hampshire [Mr. HOLLIS], with whom I am paired, I withhold my vote.

The roll call was concluded.

Mr. GRONNA. I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. GRONNA. As I have a pair with that Senator I shall have to withhold my vote.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I do not know how he would vote on this question if present, and therefore I withhold my vote.

The result was announced—yeas 31, nays 29, as follows:

YEAS—31.

Bankhead	James	Pittman	Smith, S. C.
Beckham	Johnson, S. Dak.	Robinson	Stone
Bryan	Kern	Saulsbury	Swanson
Chilton	Kirby	Shafroth	Thomas
Culberson	Lee, Md.	Sheppard	Underwood
Fletcher	Lodge	Shields	Walsh
Hardwick	Overman	Simmons	Williams
Hughes	Owen	Smith, Ga.	

NAYS—29.

Brandegee	Hitchcock	Norris	Thompson
Clapp	Jones	Page	Townsend
Clark	Kenyon	Penrose	Watson
Cummins	Lane	Pol Dexter	Weeks
Curtis	Lippitt	Sherman	Works
Fernald	McCumber	Smoot	
Gallinger	Martine, N. J.	Sterling	
Harding	Nelson	Sutherland	

NOT VOTING—36.

Ashurst	Fall	Lewis	Ransdell
Borah	Goff	McLean	Reed
Brady	Gore	Martin, Va.	Smith, Ariz.
Broussard	Gronna	Myers	Smith, Md.
Catron	Hollis	Newlands	Smith, Mich.
Chamberlain	Husting	O'Gorman	Tillman
Colt	Johnson, Me.	Oliver	Vardaman
Dillingham	La Follette	Phelan	Wadsworth
du Pont	Lea, Tenn.	Pomerene	Warren

So the motion of Mr. SMITH of South Carolina to lay on the table Mr. McCUMBER's motion to reconsider was agreed to.

Mr. SMITH of South Carolina. Mr. President, I wish to state that a point of order would have lain against this motion anyway, because the Senator from North Dakota was not competent to make it, in that he moved to reverse the result when he voted on the other side of the question.

I just want to make a general statement in reference to this matter. There is nothing in the bill that has been materially changed as it left the Senate. As the report shows, some considerable grammatical errors have been rectified, and some verbal changes have been made to clarify the text.

In reference to the matters that were in dispute, the conferees on the part of the House and the conferees on the part of the Senate reached an agreement that did not affect the principles for which the majority of both the House and the Senate were contending. It was simply a question of arranging the matter in such form as to meet the approbation of both bodies. The particular point that we had in view was our desire to meet the views of the majority of both the House and the Senate; and I hope the Senate will see fit to agree to the conference report as it now stands.

Mr. MARTINE of New Jersey. Mr. President, I will ask the Senator whether the literacy test remains in the bill as before? Was that stricken out in the conference report?

Mr. SMITH of South Carolina. I will state to the Senator from New Jersey that the literacy test was not in conference at all.

Mr. MARTINE of New Jersey. That remains in the bill, then?

Mr. SMITH of South Carolina. That remains in the bill.

Mr. MARTINE of New Jersey. With that understanding and knowledge, I shall vote against the report. I should like to vote for an immigration bill, but I can not vote for it with that proposition in it.

Mr. SMITH of South Carolina. The conferees could not touch a matter that was not in conference. That provision had been kept in the bill by an overwhelming majority of both the House and the Senate, and it is in the same form that it was on the previous occasion.

Mr. MARTINE of New Jersey. Mr. President, I trust that the conference report may not prevail. Of course, it carries with it, as the Senator from South Carolina says, the literacy test, which I believe is utterly undemocratic and un-American.

I believe the best history our country has made has been made without that test in our immigration laws. The ability to read, while it is infinitely desirable, does not of necessity make the best citizens in the world. As I have stated before, our almshouses and our jails are brim full of men that can pass the literacy test. What we in America want is clean minds, strong arms, and honest, good, moral purpose; and I think when that is satisfied enough is satisfied. Some of the grandest citizens who have carved out their fortunes in this country, have reared splendid families, and have been liberal contributors to the welfare and the well-being of our Nation, were men who could not pass the literacy test.

As I stated when this measure was up before, when we were looking for soldiers to defend the Union the question was not whether the man could read or write. The only question was whether he was in reasonably good health, steady of nerve, with good eyesight, and was willing to line up with the cause of our country. The question of reading and writing, or the literacy test, was never raised.

I regret that in this enlightened day, when we boast of our advance in civilization and in culture and intelligence, we should press this matter further.

Mr. O'GORMAN. Mr. President, I shall vote against any immigration bill containing a restrictive clause respecting literacy. I have enlarged upon my views on that subject upon a former occasion, and I shall not detain the Senate at this time

with their repetition. My purpose now is simply to ask for a roll call on the approval of the conference report.

The PRESIDING OFFICER (Mr. BECKHAM in the chair). The Senator from New York calls for the yeas and nays. Is the demand supported?

The yeas and nays were ordered.

Mr. CHILTON. Mr. President, before the roll is called I wish to ask the Senator in charge of the bill whether or not an amendment which I offered to the bill is in the condition that he assured me it was in when the matter was before the Senate? I refer to the clause in the bill which makes an exception in favor of those who have been subjected to political or religious persecution in foreign countries. It seemed to me that there ought to be something definite in the bill as to the evidence of the political persecution or religious persecution. I offered an amendment to that effect, providing that certain certificates from the priests or the ministers or certain officials in foreign countries should be prima facie evidence of the persecution, and upon the assurance of the Senator that that was in the bill I did not require a vote upon the amendment. I desire to ask him if that has been left in the bill?

Mr. SMITH of South Carolina. Mr. President, I will state that those exceptions are in the bill. As to the particular points to which the Senator calls attention—the minutiae, the working out of it—we were assured by administrative officers that those features are the ones to which they will pay attention; that they come under administration. We provide that such persons shall be excepted, and the officers of the service will determine the means by which the law shall be administered in that respect. It covers the entire question.

Mr. STONE. Mr. President, I should like to ask the chairman of the committee to state concisely just what the differences are, if any, between the House and the Senate conferees. Are there any differences?

Mr. SMITH of South Carolina. There are none. The agreement on the conference report is a unanimous agreement. There are no differences between the House and the Senate touching this bill.

Mr. STONE. The committee of conference was in session for a considerable time. Whatever the conclusion, there must have been, during this protracted conference, some differences which were the subject of consideration.

Mr. SMITH of South Carolina. I will state to the Senator that it developed that both the conferees on the part of the Senate and the conferees on the part of the House were working to exactly the same end. There was some difficulty in arriving at the proper expression of that end. We found a happy solution of the question, involving the desires of both the Senate and the House; and our report was unanimous when the phraseology had been properly framed.

Mr. STONE. Did the issue discussed relate to the literacy test of citizenship, the test which would authorize an immigrant to enter through our ports? If it was about something else, I do not care to inquire about it.

Mr. SMITH of South Carolina. It had no reference whatever to the literacy test.

Mr. LODGE. That was not in conference.

Mr. SMITH of South Carolina. That was not in conference. We did not amend it in the Senate, but accepted it as it came from the House, and therefore it was not in conference.

Mr. STONE. Mr. President, I did not vote for the immigration bill when it was before the Senate. The same bill has been before the Senate several times since my service here in substantially, if not exactly, the same form in which it was agreed to during the present Congress. I have always opposed the enactment of this law. My opposition to it I have stated on different occasions. It relates mainly to the so-called literacy test. Having opposed the passage of these bills from time to time, I can not in this final act of the Congress, the last the legislature can perform, agree to the conference report.

I dislike to delay the work of the Senate by any additional discussion; but even now, in the final agony, so to speak, of the consummation by the Congress of the United States of an act establishing a great public policy which is so obnoxious to my sense of justice and right, so contrary to the attitude of the great men I have been delighted to follow in their great work throughout the history of our country, and so different from the national attitude our country has adhered to upon this subject in the past, I am unwilling to have even this conference report—the climax of this tragedy, as I regard it, against that sense of human right and justice which has pervaded the American spirit for a century—agreed to without another protest.

I am conscious that this protest will be futile, as others have been; at least, I think so; but there will be to me some little

personal comfort in making it at the very end, when our Senators and Representatives have determined to change the whole course of our national policy and close the door to this asylum which we were wont to praise and boast of as an asylum of liberty, a welcome place to those who were fleeing from the tyranny, oppression, and intolerance which they suffered abroad. We propose now to close the door against them; that is the meaning of this new policy. Because of their afflictions in their native land, their deprivation and denial of human equality and right, they are to be turned back by having the door shut in their faces. Under the bill which this report finally confirms every man and woman who can not absolutely be excluded upon moral grounds can come in if he or she can read a few words of some language—not the English language, but any language.

Some of these people who could come in under this law are the very people or class of people whose presence here we all protest against—that is, the disturbers of our public peace, those who undermine the sound basis upon which our governmental structure is organized and upon which the very essence of our civilization is predicated. Such as these can come in; but perchance when some man who has been the victim of an unmerciful and unpardonable persecution seeks to escape and bring his wife and children to this land, which we were wont to boast was the asylum of just such people, he may be barred if he can not comply with the literacy test here prescribed—the kind of men and women who would go out into our country and take farms and build homes and go into industrial pursuits and pursue them with avidity and with honor and strive to make themselves worthy of our American citizenship would be shut out.

Mr. President, I am reminded that the hour of 2 o'clock has arrived and that the regular order is to be laid before the Senate.

Mr. LODGE. There is not any regular order.

Mr. STONE. I should like to ask if it be true, as I am told, that the morning hour has now closed and there is no regular order. I do not wish to proceed out of order.

The PRESIDING OFFICER. The Chair understands that the Senator from Missouri is in order. The conference report is before the Senate.

Mr. SMITH of South Carolina. If the Senator from Missouri will allow me, I hope he will permit us now to have a vote on the conference report, which is pending. The yeas and nays have been ordered, and I hope he will allow the roll to be called on agreeing to the report.

Mr. STONE. Mr. President, I suppose I could serve no good purpose by delaying a vote. I deeply wish I could accomplish something by continuing this appeal to the conscience of the American people and the American Senate. On this line of public policy the conscience of the American Congress at least, whatever may be said of the conscience of the American people, has been seared. We have been led off by superficial reasons, as I believe, into a policy that revolutionizes the entire trend of American public thought and purpose. I shall vote "nay" on agreeing to the report.

The PRESIDING OFFICER. The yeas and nays have been ordered on agreeing to the conference report, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

The PRESIDING OFFICER (when Mr. BECKHAM's name was called). Announcing the same pair and transfer of the pair as before, I vote "yea."

Mr. CHILTON (when his name was called). Making the same announcement of my pair and its transfer as heretofore, I vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent, and for that reason I am compelled to withhold my vote. If permitted to vote, I would vote "yea."

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). My colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of official business. If he were present, he would vote "yea."

Mr. OVERMAN (when his name was called). Making the same announcement and transfer of my pair as before, I vote "yea."

Mr. OWEN (when his name was called). I make the same transfer of my pair as before and vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. He is absent. I transfer the pair to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. WADSWORTH (when his name was called). I withhold my vote on account of the absence of the junior Senator from New Hampshire [Mr. HOLLIS], with whom I am paired. I

should like the RECORD to show that, if permitted to vote, I would vote in the affirmative.

The roll call was concluded.

Mr. BRADY. I have a general pair with the junior Senator from Mississippi [Mr. VARDAMAN]. For that reason I withhold my vote. If permitted to vote, I would vote "yea."

Mr. SAULSBURY. I understand that the Senator from Rhode Island [Mr. COLT], with whom I have a general pair, would vote as I would on this question, and I therefore vote. I vote "nay."

Mr. REED. Making the same transfer of my pair as on the last vote, I vote "nay."

Mr. CHILTON. I wish to announce that the Senator from Indiana [Mr. KERN] is absent on official business.

Mr. CHAMBERLAIN. I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from Virginia [Mr. MARTIN] and vote "yea."

Mr. DILLINGHAM. I transfer my general pair with the senior Senator from Maryland [Mr. SMITH] to the junior Senator from Michigan [Mr. TOWNSEND] and vote "yea."

Mr. JONES. I desire to state that the junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent on account of illness in his family.

The result was announced—yeas 56, nays 10, as follows:

YEAS—56.

Ashurst	Gallinger	Nelson	Smith, Ariz.
Beckham	Gronna	Norris	Smith, Ga.
Borah	Hardwick	Overman	Smith, S. C.
Bryan	Hitchcock	Owen	Smoot
Chamberlain	Hughes	Page	Sterling
Chilton	James	Penrose	Sutherland
Clapp	Johnson, Me.	Pittman	Swanson
Clark	Jones	Poindexter	Thomas
Culberson	Kenyon	Robinson	Thompson
Cummins	Kirby	Shafroth	Underwood
Curtis	Lane	Sheppard	Watson
Dillingham	Lee, Md.	Sherman	Weeks
Fernald	Lodge	Shields	Williams
Fletcher	McCumber	Simmons	Works

NAYS—10

Brandeggee	Martine, N. J.	Reed	Walsh
Lewis	O'Gorman	Saulsbury	
Lippitt	Ransdell	Stone	

NOT VOTING—30.

Bankhead	Gore	McLean	Smith, Mich.
Brady	Harding	Martin, Va.	Tillman
Broussard	Hollis	Myers	Townsend
Catron	Husting	Newlands	Vardaman
Colt	Johnson, S. Dak.	Oliver	Wadsworth
du Pont	Kern	Phelan	Warren
Fall	La Follette	Pomerene	
Goff	Lea, Tenn.	Smith, Md.	

So the conference report was agreed to.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. JONES. I move that the Senate proceed to the consideration of Senate bill 392, known as the volunteer officers' retired-list bill, and on that I ask for the yeas and nays.

Mr. WALSH. That motion, I dare say, is at this time debatable.

The PRESIDING OFFICER. It is.

Mr. WALSH. Mr. President, I wish to say a few words in respect to the motion, particularly in view of the remarks made by the distinguished Senator from New Hampshire [Mr. GALLINGER] a short time ago expressing the view that some unfairness has been exhibited toward the measure now referred to in the motion of the Senator from the State of Washington. I do not care to enter into that, but I have endeavored to have the Senate proceed rather to the consideration of House bill 408. I desire to say to the Senator from the State of Michigan that I have never at any time had any sympathy whatever with any effort, if any effort has been made, to prevent the consideration of the measure in which he is so deeply interested. I feel very sure, however, that the Senate could not at any time have had in mind the relative situation of these two measures. It is true that the bill the consideration of which is now asked has been before the Senate for a long time, but it is equally true that the bill for which I ask consideration has been before the Senate for a longer time. House bill 408 was reported to the Senate by the committee having it under consideration on the 25th of January, 1916. It has had its place on the calendar ever since that time, now almost a whole year. The retired officers' bill was reported on the 27th day of March, 1916. So the bill for which I have been asking consideration has been before the Senate for more than two months longer than the volunteer officers' retired-list bill.

Mr. KENYON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH. I yield.

Mr. KENYON. I should like to ask the Senator if it is not true that the volunteer officers' bill was before the last Congress and passed the Senate in that Congress, and that it had been before Congress preceding that time?

Mr. WALSH. I am not acquainted with the history of the bill. I have a vague kind of recollection that it has been before the Senate in one form or another for a long time.

Mr. KENYON. Was the bill the Senator is advocating before the last Congress?

Mr. WALSH. Yes.

Mr. KENYON. In the preceding Congress?

Mr. WALSH. Yes; it was introduced easily two years ago. So, as far as order is concerned, the priority belongs to House bill 408. It practically stands first on the calendar of measures before this body. There are only two that precede it upon the calendar, and no one seems particularly concerned in either of those measures. One of them deals with the amendment of the Constitution for women suffrage. Those who are interested in that movement are not asking for a vote upon it at this time nor consideration for it. The other is a measure in charge of the Senator from Tennessee [Mr. SHIELDS], who is anxious to take it up when reached in regular order on the calendar, and he is not asking the consideration of it before. So the bill for which I am asking consideration practically stands first on the calendar before this body. I should like to have some one give some good reason why we should jump, on the calendar, from bill No. 3 to bill No. 32. I have no apology whatever to make for urging that we are entitled to consideration for this measure.

Moreover, Mr. President, I do not think it is at all necessary, after all the agitation that this subject has had during the past 10 years, to endeavor to impress on this body the importance from a national point of view of unlocking these great treasures, so that they may be developed. But the necessity for doing so, Mr. President, the urgency, was never greater than it is right now.

I send to the desk and ask to have read a letter addressed to the present Secretary of the Interior, under a late date, setting forth some additional reasons why this measure ought to have speedy consideration.

The PRESIDING OFFICER. Without objection, it will be read.

The Secretary read as follows:

NEW YORK, December 19, 1916.

HON. FRANKLIN K. LANE,
Secretary of the Interior, Washington, D. C.

DEAR SIR: For the past two or three years we have been interested in observing the progress of legislation in Washington which will permit the development of the water powers of the United States on terms alike fair to the public and the investor, and inasmuch as there seems in the past to have been a decided conflict of views not only between the different groups of those interested in this legislation but also between the two Houses of Congress, we take the liberty of writing you at this time to inquire whether you are at liberty to give us your own personal views as to the prospects of legislation being enacted before Congress adjourns on March 4, 1917.

You are, of course, aware of the importance of this legislation for the development of the country and also its urgency with reference to the electrochemical and electrometallurgical industries, the national defense, the coal and food supply, and the transportation problem, so we will not take up your time discussing these matters. We do wish, however, to emphasize the importance of action within the next two or three months as compared with action later on, due to the present plentiful supply of capital in this country seeking safe and profitable forms of investment, and therefore the facility with which capital can now be obtained for investment in hydroelectric development, whereas legislative action if deferred might come at a time when present available capital would have been diverted into foreign channels either for European reconstruction after the declaration of peace or for other foreign investments.

There can be no development in navigable streams without the consent of Congress, and the character of the permit which can be obtained for development on public lands does not protect the capital invested. The projects in contemplation would result in development of many thousands of horsepower which would be utilized for pumping water for irrigation to levels beyond the reach of gravity irrigation, in utilization in the electrochemical and electrometallurgical industries, in railroad electrification, as well as for general power supply, and we are reliably informed that investments aggregating several hundred million dollars in hydroelectric development and the industries dependent thereupon now only await action by the Congress of the United States.

We believe that the necessary capital for these developments and their attendant industries can be obtained in the United States at the present time if the legislation, when passed by Congress, adequately safeguards the principal invested so that it is secure against confiscation and also permits the earning thereon of a fair return.

Very truly, yours,

HARRIS, FORBES & Co.

Mr. WALSH. Mr. President, the necessity for the development of these great water powers for transportation purposes has been frequently adverted to in this Chamber. Nearly 400 miles of one of the transcontinental lines are now being operated electrically, and another of the great transcontinental lines is now engaged in an effort to find available water-power

sites, which, being developed, will provide electricity for the propulsion of its trains. That enterprise awaits some legislation which will enable the utilization of the water-power sites which exist in abundance in the territory through which this great system goes.

It is not only that, Mr. President, but we are confronted to-day with a serious situation. A large number of the newspapers of the country, the most reliable source of information for the people, as much a necessity in our present-day existence as the bread and meat that form our daily food, have been obliged to suspend because of the extraordinary price to which print paper has risen. Out in all the western country in which these power sites exist there are limitless quantities of timber available for the production of paper, and the only other requisite, power, exists there in abundance. At the present time I am able to advise the Senate that a large number of enterprises are on foot for the establishment through the Northwest of great manufactories of print paper and other qualities of paper out of timber which is of such a character upon the mountains of that country that it is now practically valueless. These enterprises are all at a standstill until some legislation is enacted which will enable the development of the water-power sites.

I do not stand here to advocate the particular measure nor to argue in favor of one method of disposition of these sites as against another, but I do insist that at the present time there is no subject so earnestly and so urgently demanding the consideration of Congress as this matter of the disposition of the water-power sites. However my esteemed friend from the State of Washington may be interested in the passage of the Volunteer officers' retired list bill, I think he will quite agree with me that, considered nationally, the other is the more urgent measure.

I do not desire at this time, Mr. President, to enter into any consideration of the merits of the Volunteer officers' retired list bill, but I send to the desk a letter which came to me in the mail a few days ago relating to this particular measure and offer it as a part of the record, so that the public may judge which of these two measures ought to have the consideration of this body at the present time. I ask that it be read.

The PRESIDING OFFICER. Without objection, it will be read.

The Secretary proceeded to read the letter.

Mr. JONES. Mr. President, I desire to suggest to the Senator from Montana that this letter was read into the Record the other day by the Senator from Georgia [Mr. SMITH]. I do not know whether or not, under those circumstances, he would desire it again read.

Mr. WALSH. I did not know that fact. Of course, if the letter has been previously read, I shall not insist that it be read again.

Mr. JONES. It was read the other day during the discussion of the volunteer officers' retired bill.

Mr. ROBINSON. Was the letter read to the Senate, or was it inserted in the Record?

Mr. JONES. This same letter was read. I myself received a copy of it.

Mr. ROBINSON. Senators about us here express a desire to hear it again read.

Mr. JONES. Very well. I have merely made the suggestion. The Secretary resumed and concluded the reading of the letter, which, entire, is as follows:

1302 TAYLOR STREET,
San Francisco, Cal., December, 1916.

HON. THOMAS J. WALSH,
United States Senate, Washington, D. C.

SIR: There is now before Congress a bill (S. 392; H. R. 386) known as the retired volunteer officers' bill, on which a vote is now pending in the United States Senate, but which has been postponed from time to time by reason of objection of Senators.

I am writing to you to ask that if this bill ever comes up for passage you will vote against it. I ask this as an old soldier, who is vitally interested, and therefore has a right to a candid hearing.

I am opposed to this bill; so vehemently opposed to it that I can hardly speak calmly about it; nor can I understand how it is that the great body of the Grand Army of the Republic and the greater body of veterans of the Civil War can be so silent or apathetic, unless, indeed, they do not understand.

Up to the time that this stupendous piece of treachery was concocted all veterans "stood together" and were loyal to each other, seeking legislation for the common good. Now the comparatively small percentage who wore shoulder straps have thrown down their comrades and are seeking to make laws greatly to their own advantage, which is "class legislation."

Most of them are already receiving the highest pensions paid under present laws, viz, \$30 per month. Not content with this, which is often double what humbler comrades of the rank and file are getting, they have the hardhood to project a scheme the logic and language of which is: "To h—l with the old soldier, let him go to the home and eat beans, so we can get a retired officer's pay of \$100 or \$150 per month, live like retired gentlemen, and throw bouquets at ourselves for our astute-

ness." A dastardly desertion and betrayal of the men they once honorably stood with.

As a basis and proof of my premises and prayer, I offer the following facts:

The present pension bill (Sherwood) takes into account two things—age and service, and these are and must be the only true foundation for all claims. Let us examine.

Have the proponents of this bill any advantage or disadvantage in years which needs special compensation?

None whatever. This is obvious to everybody without argument.

Their claim, then, must rest on the assumption of "superior service." Let us see.

The company to which they belonged was recruited in the neighborhood or town where they had been schoolboys and had grown up together. When the company was full, an election of officers was held. Always two or more tickets, but one successful candidate for each position—a captain and two lieutenants—not more than a shade smarter than the defeated candidates.

Being promoted to these positions they now enjoy the distinction, the honors, the authority, which accompany them.

What did they bring to these positions?

Any superior education or preparation? None whatever.

Any acquaintance with tactics? None.

Any knowledge of strategy? None.

Any familiarity with military engineering? None.

Any understanding of problems of transportation? None.

Anything about subsistence? Nothing.

Anything about clothing or sanitation? Nothing.

Anything about the school of the soldier? Nothing.

No years, or even days, were ever spent in study at a military school.

Not a dollar was ever paid as the price of qualification.

We each bought "Hardee" and began the "school of the soldier" together.

Did they march farther or faster than their neighbor boys? They did not. Did they endure hardships more severe than their schoolmates? They did not.

Did their counsels overcome the mighty combinations of treason? They were not asked.

Like the rest of us they simply obeyed orders.

We stood in line while we could and ran when we had to.

As sprinters, they were a good company average. When taken prisoners, they were first to be exchanged.

What then did they do during the war which justifies this claim? Nothing.

They were abundantly paid; they thought so themselves, then.

What have they done since? Nothing.

They have enjoyed the savings of those years. They followed their own interests untroubled by "orders" or "service," and 90 per cent of them have for 50 years occupied the best positions in civil life.

On what, then, in God's name, are they resting their preposterous claims?

On the ghost of an old service, exhumed after 50 years; dusted off and revalued by a committee of interests, and pressed with insulting effrontery upon a patient and long-suffering Congress.

The weapons are: Untrue assumptions, illogical arguments, specious reasoning clouding the real issue, and astounding and impudent persistence.

The retired Army officer spent his whole life, until his years retired him, in the service of his country.

The Volunteer officer never gave his years to the service of his country; he never was "retired"; he was mustered out with the rest of us and has followed his own sweet will as a civilian for 50 years, untrammelled by "orders," and has been at the "ple counter" most of the time.

Honorable sir, I carried, when fully equipped, about 45 pounds. The captain about one-ninth as much and had a trunk and transportation for the rest.

My Belgian rifle weighed 14 pounds, exclusive of ammunition. His beautiful sword one-ninth as much.

For this service I received \$13 per month; he received nine times that amount and garnered the honors and feminine smiles.

"When knighthood was in flower."

He was fully paid when in service; when that ceased, his claim ceased as completely and permanently as mine.

If he has further claims, so have I; and not in ratio of 1 to 9, but equal.

Let me beseech you in the name of fair dealing to vote against and defeat this bill.

H. B. WORCESTER,

Company B, Eighteenth Wisconsin Volunteer Infantry.

Mr. PAGE. Mr. President, as I understand the matter now before us, it is not as to the merits of this bill, but rather whether or not we shall decide to take the bill up for consideration. I wish to say that within a week I have received a letter from the daughter of a Vermont officer; and it recalls to my mind the fact that of all the officers above the rank of colonel who served in the War of the Rebellion from my own State, every one living in the State, as I believe, and also one out of the State, is dead. The letter which I have received is from the daughter of the last officer of the rank of colonel going from the State of Vermont to the War of the Rebellion. Now, it seems to me that we ought at least to pass upon this measure before they have all gone to join "the silent majority."

This bill has been before us previously, and has been passed by the Senate on one or more occasions. Having debated it, we understand its provisions, and I trust that we may now take it up and pass judgment upon it.

Mr. WALSH. Mr. President, I inquire whether it would be in order at this time to move to substitute House bill 408 for the volunteer officers' bill?

The PRESIDING OFFICER. The Chair thinks that motion would not now be in order. The vote must be taken on the motion of the Senator from Washington [Mr. JONES].

Mr. SHAFROTH. Mr. President, I desire the attention of the Senate, as I wish to ask for a unanimous-consent order.

The bill which provides a civil government for Porto Rico has been before this body now for more than six months. Porto Rico has no representative in the form of a Commissioner in the House of Representatives, the former Commissioner having died in November last. This bill is practically a charter of liberty for the people of Porto Rico. Their representatives and delegates here are anxiously urging the consideration and passage of the bill.

In view of the situation which now confronts us, and of the important fact that the bill should be soon passed, I should like to get the consent of the Senate to make it the special order for next Monday at 2 o'clock. It seems to me that that can be done. If we delay action on the bill much longer we can not possibly get the measure through at this session.

The Porto Ricans did not have an election last fall when they were entitled to have one, because of the fact that this bill was then pending, and it was thought it would not be wise to have two elections within six months or a year of each other. Consequently, it is important that the matter should be disposed of during this session. I am not particular about the day to be fixed for its consideration, but it does seem to me that I ought to be able to get unanimous consent to have the bill made a special order for 2 o'clock next Monday. I therefore ask unanimous consent that the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, be made the special order for 2 o'clock on Monday next.

Mr. JONES. Mr. President, is that request in order while the motion that I have made is pending?

Mr. SHAFROTH. A request for a unanimous-consent agreement is in order, though a motion would not be.

Mr. SMOOT. The Senator from Colorado is not in order, because the bill for which he asks consideration is not before the Senate. A ruling to that effect has been made here within the last week.

Mr. SHAFROTH. But I am trying to get the bill before the Senate.

Mr. SMOOT. There is already a question pending before the Senate, and I object.

Mr. SHAFROTH. There may be a question pending, but requests for unanimous-consent agreements are made during all hours of the day, and no objection is made to that being done. If the Senator from Utah persists in his objection my request can not be agreed to, there is no doubt about that.

The PRESIDING OFFICER. There is objection, as the Chair understands, to the Senator's request. The question now is on the motion of the Senator from Washington to take up Senate bill 392.

Mr. NEWLANDS. Mr. President, out of order, I offer a report from the joint subcommittee of the Interstate Commerce Committee, appointed under Senate resolution No. 60.

Mr. SMOOT. I must object to that.

The PRESIDING OFFICER. Let us hear what the Senator from Nevada offers.

Mr. NEWLANDS. I present a report—

Mr. SMOOT. I object to the offering of any report at this time.

Mr. NEWLANDS. I have the floor, as I understand, and I have a right to offer anything I desire. I do not ask for any action upon the matter.

Mr. SMOOT. There is now pending here a motion to take up a bill, and, until that is voted upon, one objection to the presentation of a report of a committee, out of order, is sufficient, Mr. President, after we vote upon this bill, I shall not have any objection, so far as that is concerned, to allowing, by unanimous consent, the presentation of a report that will not take any time; but at this particular moment I object to the reception of any report, and I ask for a vote upon the pending motion.

Mr. NEWLANDS. Mr. President, I do not understand that an objection will lie against the mere offering or presentation of a report.

Mr. BRANDEGEE. I rise to a question of order, Mr. President. It is not a question of an objection, but I make the point of order that pending the motion before the Senate nothing else is in order in the way of a committee report.

The PRESIDING OFFICER. The Chair thinks the point of order is well taken. The question now is upon the motion of the Senator from Washington [Mr. JONES].

Mr. JONES. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. BRYAN obtained the floor.

Mr. JONES. Mr. President, I wish to make a parliamentary inquiry. I understand that the Chair has announced that the yeas and nays have been ordered.

The PRESIDENT pro tempore. The Chair has so stated.

Mr. BRYAN. Mr. President, I very much regret that the Senator from Michigan [Mr. TOWNSEND] has been called from the Chamber, because I intend to reply to some extent to some of the arguments he has put forth in favor of this bill. The same arguments are used for this bill that are used for every bill which is designed to increase pensions. Last summer, over the objection and against the better judgment of a great many Senators, because of pressure brought to bear by members of committees, the Senate took up and passed without any discussion at all a bill which will cost annually between fifteen and twenty million dollars; a bill reported without seeking the judgment of the department as to what it would cost; a bill to increase the pensions of widows who had reached the age of 70 years. It passed the Senate under the statement that it would only cost a very small amount and that it provided for a worthy class. I had a letter from the Commissioner of Pensions a day or two ago, the purpose of which was to ask the Committee on Appropriations, and myself as a member of that committee, to vote for an increased clerical force because of the passage of that bill; and in his letter he said that there had been 144,000 applications for increase under the bill passed last summer, of which 133,000 had been granted. Those increases were from \$12 to \$20 a month, or over \$13,000,000, and there were thousands of original applications besides. I figured it up roughly and ascertained that the cost of that legislation will be somewhere between fifteen and twenty million dollars annually to the taxpayers of this country.

The Senator from Michigan, as I understand, bases his bill upon two propositions. First, upon precedent. He says that in 1828 or 1832 Congress granted retired pay to volunteer officers of the Revolutionary Army. In reading the hearings upon this bill, or one similar to it, two years ago, we are made to understand that there were no volunteer officers in the Revolutionary War; but that is the precedent. You can find a precedent for almost any kind of pension legislation. I suggest that it is not sufficient reason for the passage of this bill because back in 1828 or 1832 Congress then did a thing that we would not do to-day. In fact, Mr. President, if one will take the trouble to examine the legislation of Congress prior to 1820, he will find that Congress had become so liberal then that a limitation was put on by the act of 1820, and, as a result of that act, a great number of names were stricken from the rolls. Congress subsequently replaced them on the rolls about 1828 and 1832, when it was most lavish in its pension expenditures. So much for the precedent.

The Senator from Michigan, in the second place, bases the claim for this legislation on what he calls "a sacred promise." If there were a promise it ought to be kept. If the Senate is so much interested in keeping a "sacred promise," why do not Senators attempt to ascertain whether or not any promise was ever made? because I undertake to say that the Senator from Michigan is wholly in error in the conclusion that any promise of the character he assumes was ever made. He takes the act of July 22, 1861, and quotes from it a provision that the officers and men in the Volunteer Army shall be placed upon the same footing as to pay and allowances as officers and men in similar corps of the Regular Army. Then he quotes from an act passed three days later, July 25, 1861, which supplements that act, in which the language is used "in all respects." From that the Senator argues that it was "a sacred promise" of this Government that officers and men of the Volunteer Army should be entitled to the retirement pay that now goes to the officers of the Regular Army.

Mr. President, I have taken the trouble to examine the Congressional Globe containing the debates upon those two bills. There was considerable discussion upon the first of those two acts, namely, the act of July 22, 1861, but there was no discussion whatever as to the second act. It is perfectly apparent to me that Congress was not considering the question of retired pay or the question of seeking to place Volunteer officers upon an equal footing with Regular officers in any respect except for like services. The act of July 22, in section 5, provides:

That the officers, noncommissioned officers, and privates, organized as above set forth, shall in all respects be placed on the footing, as to pay and allowances, of similar corps of the Regular Army.

The act passed three days later provides:

They shall be subject to the rules and articles of war—

That was one reason for the passage of the act of July 25, 1861, the act of July 22 not having provided that they should be subject to the rules and articles of war—

and shall be upon the footing, in all respects, with similar corps of the United States Army, and shall be mustered into the service "for during the war."

The act of July 22, 1861, did not call for their muster in during the war, but for a certain period of time. These were the two purposes Congress had in view at that time.

There is another reason why Congress was not considering the retirement pay of volunteer officers and making their retirement pay the same as the retirement pay of officers in the Regular Army, and it is a conclusive reason: That is, that there was no provision at that time for the retirement of officers of the Regular Army. Senators say that there was "a sacred promise" because Congress passed these two acts, known as the volunteer acts, at the breaking out of the war, and they cite the general orders. Why, Mr. President, the general orders say nothing but this:

WAR DEPARTMENT, August 3, 1861.

The following acts are published for the information of the Army—

And then follows a transcript of the acts of Congress.

These two acts were passed in July. The act providing for retirement pay was passed August 3, 1861, showing conclusively that at the time the previous acts were passed it was not in the mind of anybody to provide for retirement pay.

Mr. President, what I have just said relates to the so-called "sacred promise." Senators say that the Senate wants to vote upon this bill; that they desire to discuss it; that they are interested in it; and yet only six of them are here displaying their interest in the bill. I have just referred to the acts of Congress, and have read from the bills passed by Congress to show that the contention of the Senator from Michigan, upon which he bases his whole case, has no foundation in the legislation of Congress.

Mr. President, on August 3, 1861, Congress passed the retirement act for officers of the Regular Army.

Mr. ROBINSON. Mr. President, will it divert the Senator from Florida now if I ask him a question?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Arkansas?

Mr. BRYAN. Certainly.

Mr. ROBINSON. Has the Senator made any investigation as to the probable cost to the Government of this legislation?

Mr. BRYAN. It was estimated a year ago that it would cost some \$12,000,000.

Mr. ROBINSON. Per annum?

Mr. BRYAN. Yes. The latest estimate I have seen is about \$8,000,000. That is a mere bagatelle! Why should Senators interest themselves in that?

Some one says that there was a "sacred promise" given, and six Senators remain to ascertain that that was not so, and the rest of them do not know whether it was so or not. There could not have been in July, 1861, a promise to put volunteer officers upon the retired list along with officers of the Regular Army, because there was no retired list available at that time to the officers of the Regular Army. It seems to me, Mr. President, that is a complete answer to the claim that these men became officers in the Army under a promise to be retired with pay.

Section 15 of the act of August 3, 1861, contains the provision as to retirement, and it does not apply to officers of the Regular Army any more than it does to the volunteers. It reads:

That any commissioned officer of the Army or of the Marine Corps who shall have served as such for 40 consecutive years may, upon his own application to the President of the United States, be placed upon the list of retired officers with the pay and emoluments allowed by this act.

Mr. ROBINSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield further to the Senator from Arkansas?

Mr. BRYAN. I yield.

Mr. ROBINSON. In practical effect that provision for retirement would be limited to officers of the Regular Army, for the reason that no officer served in the Volunteer Army for 40 years.

Mr. BRYAN. But if the volunteer officer served in the Regular Army for 40 years he would be entitled to retirement under that provision.

Mr. ROBINSON. But there was no officer in that class, was there?

Mr. BRYAN. O, yes; there were quite a number who remained in the Regular Army, who devoted their lives to that service, and retired; but the pending measure is a proposition to retire volunteer officers, even though they may have served only for a day.

Mr. ROBINSON. I think I did not make the thought in my mind clear. An act passed now with that limitation in it, or that act, if it is still in force, would not apply to any other than officers of the Regular Army, would it?

Mr. BRYAN. No; and it does not apply to them until they have served 40 years in the Army. They must have given 40 years of service to this Government before it applies to them; and yet Senators say that it is a discrimination unless you give the same retirement pay to the man who served three months in the Volunteer Army. Provision for retirement pay was made in the act of August 3, 1861; there was none before that time.

Now, Mr. President, that was understood by the Committee on Military Affairs of the Senate, and it was understood by the legislative committee of the volunteer officers who are asking for this legislation. I desire to read some extracts from the hearings, but before doing so I wish to take up the report of the committee as to some amendments. The Senator from Michigan when he introduced the bill incorporated in it the words "who was honorably discharged from service for disability." That would mean that a man discharged for disability would be placed in the same category as the retired officers of the Regular Army; but the committee in its report recommends that the words "for disability" be stricken out and the words "by muster out, resignation, or otherwise," be substituted; so that all an officer need to have done was to have been in the Army. The same amendment has been recommended at another place, giving to these men, if they served less than six months as officers in the Volunteer Army, one-half the pay of a captain in the Regular Army when he is retired after 40 years of service; and, if they served two years, three-fourths of the pay of a captain in the Regular Army.

Now, upon what do they base that? Maj. Alfred Beers, one of the past commanders of the Grand Army of the Republic, was before this committee. The Senator from Delaware [Mr. du Pont] asked him:

Do you think that that applied only to volunteer officers as long as they were in the service of the United States?

That is, this retirement plan.

Maj. BEERS. No, sir. Our view of it is that it applied to them when they retired from the service of the United States; that they were placed on the same footing in every respect; and that that was the intent and that that was the meaning.

Senator du Pont. A Regular officer might retire from the service of the United States in two or three ways. The most common way was to be mustered out of the service, although numbers of them resigned, and some were discharged for disability.

If they did that, they did not get retirement pay, and do not now.

If Regular officers resigned or if the Regular Army was reduced, as it has been half a dozen times, the officers who disappeared from the rolls of the Regular Army have no claim to the remuneration of the other officers. At one time I was an officer of the Regular Army. I resigned many years ago. Do you understand that I have a claim to be put on the retired list now?

That was Senator du Pont asking this question.

Mr. ROBINSON. Mr. President—

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Florida yield to the Senator from Arkansas?

Mr. BRYAN. I do.

Mr. ROBINSON. The Senator from Florida is making a very interesting and instructive statement concerning this measure, and I think there ought to be a larger number of Senators present to hear him make it. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Arkansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	McLean	Smoot
Bankhead	Harding	Martine, N. J.	Stone
Beckham	Hardwick	Nelson	Sutherland
Brady	Hitchcock	Newlands	Swanson
Brandegee	Hughes	Norris	Thomas
Bryan	James	Overman	Thompson
Chamberlain	Johnson, Me.	Owen	Underwood
Chilton	Johnson, S. Dak.	Page	Vandaman
Clapp	Jones	Pittman	Walsh
Clark	Kenyon	Polindexter	Watson
Cummins	Kirby	Robinson	Weeks
Curtis	Lane	Shafroth	Williams
Fall	Lee, Md.	Sheppard	
Fernald	Lewis	Smith, Ariz.	
Fletcher	Lodge	Smith, S. C.	

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum of the Senate is present.

INTERSTATE AND FOREIGN COMMERCE (S. DOC. NO. 668).

Mr. NEWLANDS. Mr. President, I ask leave, out of order—

The PRESIDING OFFICER. The Senator from Florida [Mr. BRYAN] has the floor. Does the Senator from Florida yield to the Senator from Nevada?

Mr. BRYAN. I yield.

Mr. NEWLANDS. I wish to present a report which I am compelled to make to-day under joint resolution No. 60.

Mr. JONES. Mr. President, I make the point of order that under the rules the Senator from Florida can not yield for that purpose.

The PRESIDING OFFICER. The Chair wishes to inquire whether or not the resolution which the Senator desires to report has any privilege of any kind?

Mr. NEWLANDS. It has, in my judgment, because joint resolution No. 60 requires a report to-day.

Mr. JONES. I make the point of order that under the rules even a privileged report can not be offered while a Senator has the floor speaking.

Mr. BRYAN. Let me ask the Senator from Nevada to state the nature of the report, and then I will decide whether I will yield to him.

Mr. NEWLANDS. Some time ago, at the last session of Congress, the Senate passed joint resolution No. 60, which was concurred in by the House, authorizing the appointment of a joint subcommittee of the Committee on Interstate Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House to investigate certain questions and directing them to report to Congress on the 8th day of January. This is the 8th day of January, and I am under compulsion to make this report to-day, and I am trying to get it in.

Mr. JONES. The day is not gone yet, Mr. President.

Mr. NEWLANDS. I trust that the Senator from Washington will not insist on my being committed for contempt to-morrow for having violated the order of the Senate.

Mr. BRYAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida yields the floor. The Senator from Nevada is recognized.

Mr. JONES. Mr. President, I object to the presentation of a report now, out of order.

The PRESIDING OFFICER. The present very temporary occupant of the Chair, of course, is not as familiar with the rules as he should be, but he is of the opinion that this is a privileged matter.

Mr. JONES. There is no privilege about it, Mr. President.

The PRESIDING OFFICER. Let it be read, so that the Chair can ascertain what it is.

The Secretary read as follows:

JANUARY 8, 1917.

To the Senate and House of Representatives in Congress assembled:

The Joint Subcommittee on Interstate Commerce appointed pursuant to Senate joint resolution No. 60 (Public, No. 25) reports that, owing to the late adjournment of the last session of Congress and the ensuing election campaign, it was impossible to hold any meetings of the joint subcommittee except for purposes of organization until the 20th day of November, 1916, when it met at Washington; that since that date and up to and including the 2d day of December, 1916, it held almost daily sessions and hearings upon the matters referred to the subcommittee for investigation; that the pressure of the work in Congress during this short session, both in the committee and on the floor, made it impossible for the members of the joint subcommittee further to attend to and complete its duties during the pending session, and that they therefore concluded to postpone further sessions until after the 4th of March, 1917, and meanwhile to request of Congress an extension of the time of report to the first Monday in December, 1917.

Respectfully submitted.

FRANCIS G. NEWLANDS, Chairman.
W. C. ADAMSON, Vice Chairman.

The PRESIDING OFFICER. The Chair will submit the point of order to the Senate, as to whether or not the report is in order; but if it is debated, the Chair will make a ruling of his own.

Mr. GALLINGER. Has objection been made?

The PRESIDING OFFICER. A point of order has been made.

Mr. NEWLANDS. I request the Senator from Washington to withdraw his point of order. The report has been read, and it might as well be in. I do not intend to discuss it in any way. It will take no time.

Mr. JONES. As I understand, if this report should be received now, by unanimous consent, it would not interfere with the standing of the motion that has been made.

Mr. GALLINGER. Not at all.

The PRESIDING OFFICER. No; it will not interfere with it in any way.

Mr. GALLINGER. I hope that will be agreed to. Under the rule, an objection will carry it over.

The PRESIDING OFFICER. Is there objection to the report being received? There being none, it will be received.

VOLUNTEER OFFICERS' RETIRED LIST.

The Senate resumed the consideration of the motion of Mr. JONES that the Senate proceed to the consideration of the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

Mr. BRYAN. Mr. President, according to my count there are considerably more Senators here now than when I made the statement in reply to the argument of the Senator from Michigan [Mr. TOWNSEND]. I want to say to Senators that it seems to me that this is rather a serious question. If there is a sacred promise on the part of Congress, Congress ought to redeem it;

but I undertake to say that the Senator from Michigan is altogether mistaken in supposing that Congress ever made the promise, or that there was anything in the legislation that justified the conclusion that Congress was undertaking, by the acts of July 22 and July 25, 1861, to give volunteer officers the right to go upon a retired list, because at that time there was no retired list. The act of July 22, 1861, provided for the calling of 500,000 volunteers for service of three years. I looked up the debate upon that matter. There was considerable debate. Three days later Congress passed an additional act to supplement the act of July 22. It was not passed with any idea about retired pay. It was passed for two purposes: To make the volunteer officers subject to the Rules and Articles of War and to change the law as to the period of enlistment and make it during the period of the war. That is conclusive proof, to my mind, that Congress could not possibly have had in mind the view now entertained, half a century later, by the volunteer officers of the Civil War, because at that time there were no retirement provisions for officers in the Regular Army, and it could not have been for any such purpose. Therefore, Mr. President, when we defeat this bill we are not breaking any promise, express or implied, ever made to the officers of the Volunteer Army.

The Senator from Michigan said that the cost was an immaterial matter. I agree to that if the good faith of this Government was pledged. But, sir, we might as well understand now that if Congress passes this legislation on the theory that we had promised the volunteer officers that they should be retired at three-quarters of the pay of a captain in the Regular Army, the claim of those living to-day is no higher than the claim of those who have died; and if we recognize this claim, why are we not bound to go back and pay to the legal representatives of deceased officers retirement pay until they died?

When Congress came to pass a provision that officers should be retired it required that they should have served 40 years in the Army. That is open to those who were in the Civil War as volunteers and to those in the Regular Army. If a Regular Army officer quits during his service, he is not placed upon the retired list. He is in exactly the same condition that a man in the volunteer service was. He must have completed that term of service. He must have devoted his life to the military service of his country. Again, he has not drawn a pension through all these intervening years; and if you are going to put these men who served a few days or a few months as officers in the Volunteer Army on the footing, as you call it, of officers in the Regular Army, then ought you not to require them to give back their pensions? They could not do that. Otherwise you place them in consideration high above the officers who have spent a lifetime in the Regular Army.

Now, let us see. Maj. Beers, who represented this association before the Committee on Military Affairs, was asked by Senator DU PONT about this act of July, 1861:

Do you think that that applied only to volunteer officers as long as they were in the service of the United States?

MAJ. BEERS. No, sir. Our view of it is that it applied to them when they retired from the service of the United States; that they were placed on the same footing in every respect, and that that was the intent and that that was the meaning.

I read this because the senior Senator from Delaware was an officer—an officer in the Regular Army, if you please. Here is what he said in reply to that suggestion:

A Regular Army officer might retire from the service of the United States in two or three ways. The most common way was to be mustered out of the service, although numbers of them resigned, and some were discharged for disability.

If they were discharged for disability due to their service, they could not get on this roll, and yet these men who resigned voluntarily, after spending 50 years in civil life, would get the same benefits that they would get through having given all their time to the Army.

Senator DU PONT continues:

If Regular officers resigned, or if the Regular Army was reduced, as it has been half a dozen times, the officers who disappeared from the rolls of the Regular Army have no claim to the remuneration of the other officers. At one time I was an officer of the Regular Army. I resigned many years ago. Do you understand that I have a claim to be put on the retired list now?

MAJ. BEERS. Not if you voluntarily surrendered your connection with the Army.

Senator DU PONT. A great many volunteer officers did so. Many officers resigned.

MAJ. BEERS. Yes.

Senator DU PONT. According to your statement, then, all of those officers who voluntarily resigned would be eliminated.

MAJ. BEERS. Personally, I think all of those who voluntarily terminated their connection with the Army would have no claim.

Now, there is the man representing the Volunteer Officers' Association before the Committee on Military Affairs conceding that they have no claim; yet, on the other hand, we are

appealed to here in the Senate as violating a sacred pledge if we do not pass this bill.

Senator DU PONT. Exactly. That is what I wanted to bring out. MAJ. BEERS. But those who served their time and were mustered out, or who were discharged by order of the War Department at the close of the war, that class of officers would be entirely on the same footing.

If they remained in the Regular Army, they were on the same footing. If they remained the same time, they got the same allowance. If, for disability or by reason of resignation, they quit, they could not get it.

Now, let us look at this bill. It does not allow a man in the Regular Army to quit within the 40 years. If he quits, he can not get any kind of retired pay. He may have served 25 years and then quit; he may have served in the Civil War and served 39 years and quit, and he would not get on the retired list; and yet an officer who served for two or three months would be placed on the retired list by this bill.

Senators, I can not understand why the Senate wishes to take a step like this. As Senators point to precedents to-day, as they point back to how the officers of the Revolutionary Army were treated in 1832, so a few years later, or maybe only a few months later, we will have the same thing to go through with in connection with the officers of the Spanish-American War. Were they promised to be placed upon the same footing as the officers of the Regular Army, and are they entitled now to come in with a bill like this? Let us see.

Here is the bill that was approved April 22, 1898, using in very large part the verbiage of the act of 1861. I quote from section 12:

That all officers and enlisted men of the Volunteer Army, and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances, and pensions as that of officers and enlisted men of corresponding grades in the Regular Army.

Yet they served for two or three months while that war was going on; they went back to their homes; and I say to you that if a sacred promise was made to the volunteer officers in the Civil War, a like promise, as sacred, was made to the volunteer officers in the Spanish-American War. It was fought by the Regulars. They volunteered, but they did not therefore go there. They were willing to go; but for only a few months' service are you going to undertake to give those men a standing and to give them the money it will cost to place them on a footing of equality with those who have served for 40 years in the Regular Army?

That is what is involved here, Mr. President. I feel that no question of the honor of the Government of the United States is involved here.

The Senator from Michigan says that we have been unfair in dealing with the volunteer officers of the Civil War; that we have belittled their services. I do not know who has done that, Mr. President. I should regret very much if anything I have said is subject to such a construction. I have tried very hard not to do it. I have no such feeling about it. The appeal is made here in the Senate to help them because they need the money. That is not a genuine appeal, because there was stricken out of this bill a provision that those whose income amounted to \$2,400 a year should not be placed upon the retired list. Protest was made by them that they were not asking for the enactment of this legislation because they needed it; that it was a debt we owed them, and they wanted it for that reason.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Mississippi?

Mr. BRYAN. I yield to the Senator from Mississippi.

Mr. VARDAMAN. The Senator has given careful study to this question. I should like to ask him if all of the beneficiaries of this proposed measure are not on the pension roll to-day?

Mr. BRYAN. Why, of course. They are all on the pension roll.

Mr. VARDAMAN. What is the average pension?

Mr. BRYAN. A dollar a day, I should say. If they are 80 years old, of course, it is a dollar a day—\$360 a year.

Mr. VARDAMAN. Does the Senator know whether that is all the pension they are receiving?

Mr. BRYAN. No; it is not all. I say this to the Senator, and I am glad he has interrupted me just at that point: The Senator from Michigan [Mr. TOWNSEND] said that a great injustice was done to the officers of the Civil War by the act of 1890, because he said that prior to the act of 1890 these men drew their pensions according to their disabilities; that is, they drew higher pensions than privates or noncommissioned officers; but by the act of 1890 that privilege was taken away from them. I do not so read that act. I shall be very much surprised if that is so, because if that is true, it is the first time that any

pension bill ever reduced the provisions of any other, or ever took away anything from anybody on earth. Let us see if there is anything in that contention. I read from section 2 of the act of June 27, 1890. I believe a mere reading of the act will show that it does not do so.

Sec. 2. That all persons who served 90 days or more in the military or naval service of the United States during the late War of the Rebellion and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character, not the result of their own vicious habits, which so incapacitates them from the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive a pension not exceeding \$12 per month and not less than \$6 per month, proportioned to the degree of inability to earn a support; and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown be rated, and such pension shall commence from the date of the filing of the application in the Bureau of Pensions, after the passage of this act, upon proof that the disability or disabilities then existed, and shall continue during the existence of the same: *Provided*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this act; and nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any other general or special act: *Provided, however*, That no person shall receive more than one pension for the same period: *And provided further*, That rank in the service shall not be considered in applications filed under this act.

The act of 1890 did not interfere with the provision for specific payment for injuries. The act of 1890 was intended to place men upon the pension roll who could not trace their injuries back to the service. There is a schedule here of allowances for disabilities to officers printed in the laws by the Bureau of Pensions to-day. I think it is well known among Senators that some veterans of the Civil War who have been injured are getting much larger pay than they could possibly get under the Sherwood Act or any of the acts for mere service.

I do not think that contention is a good one. The act of 1890, in my judgment, did not take anything away from these officers. Until that time they could not be placed upon the pension roll unless they had been injured. The act of 1890 was intended to place them and their widows upon the rolls even though they had not been injured.

In the hearing to which I have referred the junior Senator from Mississippi [Mr. VARDAMAN] asked Maj. Beers this question:

Senator VARDAMAN. Is it the purpose of this bill—which I have not read—to put the officers who served only during the war on the same footing with men who have given their entire lives to the Army?

Maj. BEERS. Certainly.

It struck the Senator from Mississippi as a peculiar proposition, but answered in this way there is no room for any difference:

Senator VARDAMAN. I just wanted to know.

Maj. BEERS. Certainly.

Then Senator HITCHCOCK asked this question:

Senator HITCHCOCK. Will you explain to me this, which I have not fully understood, whether this claim of the volunteer officers is only because they think their case is analogous to that of the Regular Army officers or whether it is based upon some promise made, either at the time of enlistment or during the war, by the President or some one else?

Maj. BEERS. It is based upon both claims.

I read the acts of Congress placing the volunteer forces upon the same footing as the Regular Army and also extracts from the orders of the War Department conveying the same assurance.

There is no extract from the War Department in these hearings or any that I have been able to find except a mere transmission of the act of Congress.

I believe I will put in here section 15 of the act of August 3, 1861, so that there can be an answer of record to this claim:

Sec. 15. *And be it further enacted*, That any commissioned officer of the Army or of the Marine Corps who shall have served as such for 40 consecutive years may, upon his own application to the President of the United States, be placed upon the list of retired officers, with the pay and emoluments allowed by this act.

Further the Senator from Nebraska [Mr. HITCHCOCK] asked:

Senator HITCHCOCK. So that there are two bases for the claim.

Maj. BEERS. There are two bases for the claim; and then, in addition to that, the volunteer officers claim the passage of the bill as a matter of justice to them.

Senator HITCHCOCK. Yes.

Maj. BEERS. For instance, the volunteer officers who were discharged from the Army at the close of the Civil War were not compensated for their responsibilities and were not fairly compensated for the service which they had rendered, so that in honor the Government, in favor of the volunteer officers, should make this provision for them.

Then he continues:

The matter of compensation is entirely secondary, and the matter of compensation by the way of retired pay is a matter entirely of gratitude by the Government for meritorious service rendered the Government, and not by way of payment of a legal compensation.

So finally, Mr. President, it comes down to the admission that there is no promise here and never was. What are we doing? We are following a dangerous precedent and we are setting another dangerous precedent. We are inviting the officers in the Spanish-American War to come in and make the same claim, because they went into service under a like act in 1898, and the plain language of the statute does not discriminate against a man, whether he entered the service in the volunteer force or through the Regular Army. In either event, if he remains in the Regular Army during 40 years, he is placed upon the retired list, and neither a man in the Regular Army nor in the volunteer service is entitled to be upon the list unless he has devoted that time in the Army to the service of his country.

As to Maj. Beers, I think I know him. If he is the man I am thinking about, he is a most excellent gentleman, and he was very frank with the committee. Senator VARDAMAN asked him this question:

Senator VARDAMAN. Do you think that, as a matter of justice, a man who served only four years or two years or three years, and after the war was over went back to his home and assumed his usual vocation, is entitled to the same pay in dollars and cents as the man who has given his entire life and has had no opportunity to make more than a living, or to lay by something for a rainy day, or for his old age?

Maj. BEERS. On the other hand, Senator, the man you refer to is a man who has been educated at the expense of the Government.

Senator DU PONT. Not always.

Maj. BEERS. The great majority of those men are men who have been so educated.

Senator VARDAMAN. Well, suppose he has been educated by the Government. That is his vocation, his life's work, and he has no opportunity and no time to devote to other things. He simply lives upon his salary. He takes no thought of the problem of meat and bread, and the Government says to him, "You give your life to the service of this branch of the Government and we will take care of you. You do not have to do this." The man who serves three or four years, after the war is over returns to his home and assumes his usual vocation, and he is not dependent upon the Government. I think, so far as service is concerned, that the man who bore the musket—

The chairman interrupted the junior Senator from Mississippi, and said he thought it better not to have any interruption. They had reached a very interesting point in the discussion, though, Mr. President. They had reached a point which ought to be in the mind of the Senate when they come to perpetrate this injustice upon the taxpayers of the country and upon the military arm of our Government, because I do not hesitate to say that it is wrong to take this money and give it to these people under the plea of a promise as if they had devoted their lives in the military service when, as a matter of fact, they have not.

I hope that by nothing I say I may be understood as intimating that their services were not meritorious; that they were not patriotic. I have thought that no money could pay them for the great service they rendered to their country. I would rather see them fixed upon that plane than to see men come here and undertake to establish a legal claim against Congress based upon a statute that allowed officers in the Regular Army to be retired after 40 years of service. Maj. Beers proceeds:

And that is another reason for its passage, because there is a precedent for the bill which we ask for, although it is a precedent not to the same extent that we ask for it.

It is suggested by the Senator from Michigan [Mr. TOWNSEND] that if we are to have war we must depend upon volunteer forces in time of war, and if we are ungrateful hereafter, as we have been heretofore, we need not expect service.

Mr. President, I have a higher opinion of the citizenship of this country than that. I do not believe that the thought of pay occurred to a single man who enlisted upon either side in the Civil War. I have no doubt if war should come again they would go into it again. Neither do I think the claim that the public has been ungrateful can be sustained by the Senator from Michigan or by anyone else. It was said by a very distinguished gentleman appearing before the committee in the consideration of the Sherwood bill in 1912 that no such claim could ever be made. Consider that men, although they could trace no injury to their service, are being paid to-day, those of service of any length, as much as a dollar a day, and that there has been expended in money alone, leaving out the bounties given, nearly \$5,000,000,000 in pensions.

Mr. President, if we should stop inventing new classes and allow those who are on the rolls to remain as they are, it seems to me we would be doing a good work. I am willing to leave matters as they are, but I do not think there can be any justification for bills of this character. I do not believe there is any justification for another bill pending here, to place the widows of all deceased soldiers who enlisted in the Spanish-American War upon the pension rolls.

I want to know how you are going to get away from this proposition: If you pay the men who are now living retired pay, how are you going to say to the representatives of those who are dead that you will not pay them, and when you do that it

is going to mount into hundreds of millions. Even this bill alone, if that were not done, will be pointed to as a precedent by the officers in the Spanish-American War, and if Congress remains in the same frame of mind that it is to-day such a bill will pass.

I feel, Mr. President, like making an appeal to the Democrats at least. Let us slow up a little on this legislation. We passed a bill not six months ago that added between fifteen and twenty million dollars to the annual cost of administering the affairs of the Government in the matter of pensions.

Here is another one of \$10,000,000. How are we going to justify it?

The Senator from Michigan says it was reported by a Democrat. Yes; Mr. President, the Republicans were a little more shrewd when this bill visited them when they were in power. They never allowed it to come out of the committee, or they did only in the last days of the session, when it could not be possibly voted upon in both Houses.

It seems to me when you added fifteen or twenty million dollars last year that that ought to be enough. Now you are going to add \$10,000,000 more. Then it is going to be said, as it is said now, that the American Republic is ungrateful. Here we are engaged in passing this legislation, which that old soldier from California, formerly from Wisconsin, said is class legislation, applied even to the privates in the Civil War. The water-power bill can wait; the corrupt-practices act, to try to better the conditions of elections in this country, can stand aside; and the Democrats on this side turn over the legislation of the Senate to a Senator who has his heart set, and has had for eight years, upon giving this gratuity to the volunteer officers of the Civil War.

Mr. President, I have said about all that I intend to say. If the Senate has made up its mind to do that, I do not believe I will interfere much longer. I have felt that if Senators understood what was involved they would not vote for the bill. They do not understand it; they are not here; they have not the time to investigate it. It is labeled pensions, and it is said in a general way in eloquent tones that it is to carry out a sacred promise. Of course, they say, let us make good our sacred promise, and they come in and vote. It is only \$10,000,000 here, and it was \$20,000,000 there, making \$30,000,000.

The clerks and employees of this Government are asking Congress to help them to get the bare necessities of life. Here is a class of gentlemen unwilling that those men who are receiving as much as \$2,400 a year income shall be excluded from this roll. They would get \$1,800 a year, nearly three times the pay of men engaged every day in working for the Government to earn a living; \$1,800 is to be paid to them, not because they need it but because it is a promise, a promise that can not be proven, a claim for a promise that can easily be overturned by the mere reading of the acts of Congress.

But the bill will pass if it comes to a vote, I suppose. I do not see why the organizations behind the bill for the Spanish-American War widows and for the widows of deceased veterans of the Civil War who were married to them in recent years should not continue their agitation and force out of Congress the passage of bills now upon the calendar for their benefit.

Senators say, "Oh, let us pass a few less bills for rivers and harbors and for public buildings and we will pay this." Senators make much about appropriations of that kind; they take days in discussing them, holding them up to the country, and there is newspaper agitation at the same time; yet a bill can pass through here for \$20,000,000, as one did last summer, and never create a word of comment.

Mr. SMITH of Georgia. \$20,000,000 annually?

Mr. BRYAN. Annually, of course, I mean. It never creates a word of comment either in the House or in the Senate or in the press of the country, and all the money has got to be raised by taxation.

It seems to me, Mr. President, if there is any hope in an appeal to Senators upon the merits of the case, this bill can not pass.

WATER-POWER DEVELOPMENT.

Mr. SHIELDS. Mr. President, the Senate on March 8, 1916, passed Senate bill 3331, amending the general dam law approved June 23, 1910, and for the improvement of navigation and development of water power in the navigable rivers of the United States with private capital. The Committee on Interstate and Foreign Commerce of the House of Representatives substituted for it a bill then pending before it for the same purpose, which, upon consideration by the House, was amended in several material particulars and passed. The Senate refused to concur in the action of the House, and the bill is now being considered by conferees appointed by the two Houses.

I am not going to discuss the differences between the bills as passed by the Senate and the House or which may be troubling the conferees, and I do not wish anything I may say to be taken as evidence that differences between the conferees exist.

There are, however, certain fundamental principles of sovereignty and jurisdiction over the navigable rivers of the United States and of property interests in their banks, beds, and waters underlying this proposed legislation which are now attracting public interest and concerning which much misinformation has been given publicity, intended to mislead the public in regard to them and the purpose and effect of the legislation, which may make some impression upon the minds of those who have not examined the questions involved with that care called for by their magnitude and importance, to which I wish to call attention.

What I have to say will be nothing new to those who are familiar with the history of the organization of our State and Federal Governments, and who know and understand the constitutional powers and limitations of the Federal Government and the reserved sovereignty, rights, and powers of the several States. The principles and authorities to which I will direct attention are elementary and known to all students of our dual form of government, and the chief merits of my remarks, if any, consist in the collation of the authorities and their application to the provisions proposed to be incorporated in the pending legislation.

The first proposition to which I will direct attention is that advanced by some that the United States has general sovereignty over the navigable rivers of the country and as sovereign holds them for all the people of the Nation as a common national resource, and that Congress has the power to arbitrarily control their banks, beds, and waters and to require the payment of rents and royalties for Federal purposes for the use of them by the riparian proprietors.

The general dam law, approved June 23, 1910, the drastic provisions of which have prohibited water-power development in navigable rivers since its enactment, and which it is the purpose of the Senate bill to repeal, as construed by some, authorizes the imposition of rents or royalties to be paid into the Federal Treasury upon all water power developed, presumably so much per horsepower, and there has been an effort to continue the authority for such charges and exactions in the pending legislation. The Senate rejected at least six amendments proposed to the Senate bill to require the payment of such charges, thus demonstrating that a majority of its Members was unalterably opposed to the principle underlying them. I believe I am authorized to say that this action was prompted by the conviction of the majority that Congress had no power to impose the payments of such rents and royalties. I believe, and will undertake to show, that all legislation of this character is unsound and unwarranted by any provision of the Constitution.

Mr. President, the United States has no general sovereignty over or property interest in navigable waters and Congress no power to legislate concerning them further than to regulate interstate and foreign commerce on them.

The several sovereign States have the exclusive and absolute sovereignty, jurisdiction, and control of such waters within their respective boundaries and hold them, their banks, beds, and waters in trust for their citizens and those to whom they have granted them in whole or in part, subject only to the paramount power of Congress to regulate commerce.

These propositions will be considered together as the same authorities support both of them.

If they are sound, Congress has no power to require proprietors of lands upon navigable rivers and owners of riparian rights to pay the Federal Government royalties and charges for the use of their property; but the several States of the Union have the sole sovereignty and control over these rivers, holding them in trust for their citizens and the people of the States within whose territorial boundaries the rivers flow, and those to whom they may have been granted by the States, own and have all property rights and interests in their beds, banks, and waters, and are entitled to the enjoyment of them to the exclusion of the people of all other States subject only to the paramount use for navigation, regulated by Congress.

These propositions do not involve the power of taxation, Federal or State. The Senate bill expressly provides that the property and business of those constructing dams under it shall be subject to taxation as other property and business, and they would be subject to both Federal and State taxation, lawfully assessed and levied, without such special provision.

Nor do they controvert the power of the United States to fix rents measured by the water-power developed on public lands leased for dam sites, plants, and transmission lines in connection with water-power development, as provided in the Myers bill, now pending in the Senate. That question is not involved.

The paramount power of Congress to control navigable rivers for navigation is also conceded, the contention being that its jurisdiction is confined to measures convenient or necessary for navigation, and that charges of rents or royalties for water-or water power developed have no relation to navigation.

When the thirteen original States established their independence they automatically became vested with all the sovereignty powers which the Government of Great Britain had exercised in the colonies, and among these was the sovereignty over and control of navigable streams, which in this country on account of conditions here existing, has been extended to include all streams which can be navigated for commercial purposes. These are among the reserved rights and powers of the States and are common to all of them under the constitutional principle that new States shall be admitted to the Union upon equal footing with the original States.

Mr. President, these propositions are abundantly established by an unbroken line of adjudications of the Supreme Court of the United States from the earliest days of this Government down to the present.

In *Martin v. Waddell* (16 Pet., 410), Chief Justice Taney said:

When the Revolution took place the people of each State became themselves sovereign, and in that character hold absolute right to all their navigable waters and the soils under them for their common use, subject only to the right since surrendered by the Constitution to the General Government.

In the case of *Pollard, lessee, v. Hagan*, (3 How., 229) the court, after quoting the above statement, said:

Then to Alabama belong the navigable waters and soils under them in controversy in this case, subject to the rights surrendered by the Constitution to the United States, and no compact that might be made could diminish or enlarge these rights.

The court concludes the opinion in that case in these words:

By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States respectively. Secondly, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States. Thirdly, the right of the United States to the public lands and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land in controversy in this case.

The case of *Weber v. Harbor Commissioners* (18 Wall., 57-71) is to the same effect. I quote from the syllabus:

Although the title to the soil under the tidewaters of the bay of San Francisco was acquired by the United States by cession from Mexico equally with the title to the upland, it was held only in trust for the future State. Upon the admission of California into the Union absolute property in the dominion and sovereignty over all soils under the tidewaters within its limits passed to the State, subject only to the paramount right of navigation over the waters.

These cases are approved in that of *Hardin v. Jordan* (140 U. S., 381-382), where it is said:

Such title being in the State, the lands are subjected to State regulation and control, under the condition, however, of not interfering with the regulation which may be made by Congress with regard to public navigation and commerce. The State may even dispose of the usufruct of such lands, as is frequently done by leasing oyster beds in them and granting fisheries in particular localities; also by the reclamation of submerged flats and the erection of wharves and piers and other adventitious aids of commerce.

This right of the States to regulate and control the shores of the tidewaters and the land under them is the same as that which is exercised by the Crown of England. In this country the same rule has been extended to our great navigable lakes, which are treated as inland seas; and also, in some of the States, to navigable rivers, as the Mississippi, the Missouri, the Ohio, and, in Pennsylvania, to all the permanent rivers of the State; but it depends on the law of each State to what waters and to what extent this prerogative of the State over the lands under water shall be exercised. In the case of *Barney v. Keokuk* (94 U. S., 324) we held that it is for the several States themselves to determine this question, and that if they choose to resign to the riparian proprietor rights which properly belonged to them, in their sovereign capacity, it is not for others to raise objections.

In the great case of *Illinois Central Railroad Co. v. People of Illinois* (146 U. S., 387), involving the lake front in the city of Chicago, it is said:

It is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by tidewaters within the limits of the several States belong to the respective States within which they are found, with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interest of the public in the waters, and subject always to the paramount right of Congress to control their navigation so far as may be necessary for the regulation of commerce with foreign nations and among the States. This doctrine has been often announced by this court and is not questioned by counsel of any of the parties.

The term "tidewater," as said in the opinion, is used in the sense of navigable waters, which in this country include all navigable rivers.

And in the same case it is further said:

The soil under navigable waters being held by the people of the State in trust for the common use and as a portion of their inherent

sovereignty, any act of legislation concerning their use affects the public welfare. It is, therefore, appropriately within the exercise of the police power of the State.

In *Shively v. Bowlby* (162 U. S., 1-58), stating the absolute sovereignty of a State over navigable waters within its territorial boundaries, Mr. Justice Gray said:

Each State has dealt with the lands under the tidewaters within its borders according to its own views of justice and policy, reserving its own control over such lands or granting rights therein to individuals or corporations, whether owners of the adjoining upland or not, as it considered for the best interest of the public.

The case of *Kansas v. Colorado* (206 U. S., 46-92) was brought by the State of Kansas against the State of Colorado and certain corporations organized under the laws of the latter State, to restrain them from diverting the waters of the Arkansas River for the irrigation of lands in Colorado to such an extent as to deprive the citizens of the State of Kansas of the same.

The United States filed an intervening petition, claiming the right to control the waters of the river to aid in the reclamation of arid public lands. The petition was dismissed and the reasons therefor are summed up in the syllabus of the case in these words:

The Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumeration of the powers granted is to be found in that alone; that the manifest purpose of the tenth amendment to the Constitution is to put beyond dispute the proposition that all the powers not granted are reserved to the people, and that if in the changes of the years further powers ought to be possessed by Congress they must be obtained by a new grant from the people. While Congress has general legislative jurisdiction over the Territories and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State, except to preserve or improve the navigability of the stream; that the full control over these waters is, subject to the exception named, vested in the State. Hence the intervening petition of the United States is dismissed without prejudice to any action which it may see fit to take in respect to the use of the water for maintaining or improving the navigability of the river.

In the opinion of the court, after a full discussion of the question, followed by the citation of many cases, page 93, it is said:

It is useless to pursue the inquiry further in this direction. It is enough for the purposes of this case that each State has full jurisdiction over the lands within its borders, including the beds of streams and other waters.

The questions decided in that case and the one we are considering are in principle identical. The United States has no more power to control the waters of navigable rivers for the generation of power than it has to control them for irrigating the public lands, which was there denied.

In the late case of *Chandler-Dunbar Co. v. United States* (229 U. S., 53) Mr. Justice Lurton, for the court, said:

The technical title to the beds of the navigable rivers of the United States is either in the States in which the rivers are situated or in the owners of the lands bordering upon such rivers. Whether in one or the other is a question of local law.

The latest deliverance of the Supreme Court of the United States upon the subject is to be found in the case of *Long Sault Development Co. against Homer D. Call*, decided December 11, 1916, and is in full accord with the cases from which I have quoted. This case was originally brought in the Supreme Court of New York and involved the constitutionality of a statute of the State of New York granting a corporation certain rights in the St. Lawrence River within that State, and upon a hearing in the Court of Appeals of the State the act was adjudged void upon the ground that the property in question was held by the State in trust for the people and could not be granted for private use. From this decree a writ of error was prosecuted to the Supreme Court of the United States and there dismissed for want of jurisdiction because no Federal interest or question was involved, the gist of the decision being that the banks, beds, and waters of the St. Lawrence River, a navigable stream within the State, were subject to the exclusive sovereignty and control of that State.

Mr. Justice Clark, in discussing the opinion of the Court of Appeals of New York, said:

And then addressing itself to the constitutional problem thus stated, the court proceeds upon principle and authority to decide: That under the constitution of the State of New York the power of the legislature of that State to grant lands under navigable waters to private persons or corporations is limited to purposes which may be useful, convenient, or necessary to the public; that it has no power to so part with the title to such lands that the State may not in the future improve navigation over them if the public interest shall so require; and that they are held by the State on such a trust for the public use that the legislature has no power to authorize the conveyance of them to a private corporation to maintain navigation thereover "in as good condition as * * * at present," thereby parting for all time with its power to improve such navigation.

The court finds its principal authority for these legal positions in the decision of this court in *Illinois Central Railroad Co. v. Illinois* (146 U. S., 387), in which it was decided: That the title which a State holds to land under navigable waters is different in character from

that which it holds in land intended for sale and occupation, in the former case it being held in trust for the people of the State in order that they may enjoy the navigation of the waters and carry on commerce over them, free from obstruction or interference by private parties; that this trust devolving upon the State in the public interest is one which can not be relinquished by a transfer of the property; that a State can no more abdicate its trust over such property, in which the whole people are interested, so as to leave it under the control of private parties, than it can abdicate its police powers in the administration of government and the preservation of peace; and that the trust under which such lands is held is governmental, so that they can not be alienated except to be used for the improvement of the public use in them.

It has been repeatedly held by the Supreme Court of the United States that the Federal Government can not grant the lands, or any interest therein, under navigable waters. *Hardin v. Jordan* (140 U. S., 382), *Niles v. Cedar Point Club* (175 U. S., 388), *Weber v. Harbor Commissioners* (18 Wall., 5771). An act of Congress authorizing Indians to fish in the navigable streams of Oregon was held in the case of *United States against Alaska Packers* (79 F. R., 157) to be beyond the power of Congress and void.

The States not only hold all property rights in the navigable waters within their boundaries in trust for their citizens and their grantees but they may exclude the citizens of all other States from the use and enjoyment of these rights.

This was emphasized in the case of *McReady v. Virginia* (94 U. S., 391), which involved the validity of a statute of Virginia prohibiting the citizens of other States from planting oysters in Ware River, a navigable stream of that State. The court, after stating that "the principle has long been settled that each State owns the beds of all tidewaters within its jurisdiction, unless they have been granted away * * *, in like manner the tidewaters themselves and the fish in them, so far as they are capable of ownership while running, and that for this purpose the State represents its people, and the ownership is that of the people in their united sovereignty," proceeded to hold that the banks, beds, and waters of navigable rivers within the States were the sole property of the people of those States, and that they had the right to use and enjoy them to the exclusion of the citizens of all other States, subject to the power granted to Congress to regulate interstate and foreign commerce on them.

The court further says, in substance, that the citizens of other States have no more right to enjoy the use of the navigable rivers of Virginia, other than for transportation purposes, than they would have had to share in the proceeds of its northwestern territory had that State sold it instead of ceding it to the Federal Government.

These principles have been written in the constitutions of many of the States, and others have declared them by statutory enactment.

The several States in the exercise of their undoubted sovereignty have long since firmly established the property rights of their people as a whole and of individuals as their grantees in the navigable waters within their boundaries, in accordance with the discretion and wisdom of each particular State. There are a number of States which have retained and held all the property rights, interests, and uses of navigable waters in trust for all of their people, and grants of them can not be made to persons or companies for private use. Among those adopting this policy are New York, Illinois, California, and Tennessee, as appears from the adjudications in the following cases: *Long Sault Development Co. v. Call* (Ct. Appls., N. Y.); *Railroad Co. v. Illinois* (146 U. S., 387); *United States v. Mission Rock Co.* (189 U. S., 390); *Goodwin v. Thompson* (83 Tenn., 209); *State v. Pulp Co.* (119 Tenn., 98, 99).

There are other States, perhaps a majority, which have adopted a different policy and have granted the banks, beds, and waters of their streams to persons and companies, in whole or in part, with the power to use them for domestic, agricultural, and manufacturing purposes, and property rights of various kinds and phases have thus become vested.

Whether a State will continue to hold these natural resources in trust for the whole people or will grant them, in whole or in part, to be developed and used for private purposes, and the extent and limitations upon the rights of riparian proprietors are all local matters dependent upon the constitution, laws, and policies of each of the several States, and with which the Supreme Court of the United States has repeatedly said the United States and Congress had no concern and no power to control.

Those States east of the Mississippi River and lying immediately west of it have adopted the common-law rule governing the rights of riparian proprietors, with more or less modification, which I will presently state. The Western States have adopted an entirely different system, known as that of "prior appropriation," made necessary by the mining and agricultural interests of that country, under which the first appropriator of the water of a stream acquires, as I understand, the right to divert it permanently and consume it in its use.

Where the common-law rule prevails the rights of riparian proprietors are limited to a reasonable use of the waters for domestic, manufacturing, and agricultural purposes, but to this extent they are as much property rights as those to the lands bordering upon the stream.

Chancellor Kent states the common law governing the rights of riparian proprietors in these words:

Every proprietor of lands on the banks of a river has, naturally, an equal right to the use of the water which flows in the stream adjacent to his lands, as it was wont to run (*currere solebat*), without diminution or alteration. No proprietor has the right to use the water to the prejudice of other proprietors above or below him unless he has a prior right to divert it or a title to some exclusive enjoyment. He has no property in the water itself, but a simple usufruct while it passes along. Though he may use the water while it runs over his land as an incident to the land, he can not unreasonably detain it or give it another direction, and he must return it to its ordinary channel when it leaves his estate. (*Kent's Commentaries*, vol. 3, 439.)

In *Kansas v. Colorado* (206 U. S., 103) the court quotes approvingly from Chief Justice Shaw in the case of *Elliott against Railroad Co.* (10 Cush., 191) as follows:

The right to flowing water is now well settled to be a right incident to property in the land; it is a right public juris, of such a character that whilst it is common and equal to all through whose land it runs, and no one can obstruct or divert it, yet, as one of the beneficial gifts of Providence, each proprietor has a right to a just and reasonable use of it as it passes through his land; and so long as it is not wholly obstructed or diverted or no larger appropriation of the water running through it is made than a just and reasonable use, it can not be said to be wrongful and injurious to a proprietor lower down. What is such a just and reasonable use may often be a difficult question depending on various circumstances. To take a quantity of water from a large running stream for agricultural or manufacturing purposes would cause no sensible or practicable diminution of the benefit to the prejudice of a lower proprietor; whereas taking the same quantity from a small running brook passing through many farms would be of great and manifest injury to those below, who need it for domestic supply or watering cattle; and therefore it would be an unreasonable use of the water, and an action would lie in the latter case and not in the former. It is therefore to a considerable extent a question of degree; still the rule is the same, that each proprietor has a right to a reasonable use of it for his own benefit, for domestic use, and for manufacturing and agricultural purposes.

The case of the *United States against Chandler-Dunbar Co.* is thought by some to hold that riparian proprietors have no interest in the flow of waters by and over their lands, but it does not. In the opinion of the court, page 69, it is said, "that running water in a great navigable stream is capable of private ownership is inconceivable," but it is evident that the court did not intend by this simple statement to overturn well-settled rules of property recognized by the common law for a thousand years, for on the subsequent page it is said:

That riparian owners upon public navigable rivers have in addition to the rights common to the public certain rights to the use and enjoyment of the stream, which are incident to such ownership of the bank, must be conceded. These additional rights are not dependent upon the title to the soil over which the river flows, but are incident to ownership upon the bank. Among these rights of use and enjoyment is the right, as against other riparian owners, to have the stream come to them substantially in its natural state, both in quantity and quality.

Nor does this case hold that the Federal Government can, under the commerce clause, lawfully use the waters of navigable rivers for commercial purpose in the exercise of its power to regulate commerce. The United States had acquired the fee in all riparian rights on the St. Marys River and constructed the dam upon its own property for navigation purposes, and the court merely held that the excess of power over that needed for the operation of the locks created by the dam constructed for navigation purposes might be sold.

This holding was based upon the fact that the property was taken for a public purpose—the improvement of navigation. This appears from the statement in the opinion that—

If the primary purpose is legitimate, we can see no objection to leasing an excess of water over the needs of the Government.

The case of *Green Bay Canal v. Patton Paper Co.* (172 U. S.) and *Kaukauna Water Power Co. v. Green Bay Canal Co.* (142 U. S.) are also relied upon to sustain the contention that the Congress may control and lease water power in navigable streams. They do not do so. The questions there decided arose upon statutory contracts, and the commerce clause of the Constitution was not involved.

I have perhaps burdened the Senate with too copious quotations from the adjudged cases upon these questions, but I desired to present in concrete form the holdings of the Supreme Court in relation to them in every period of our history. These authorities clearly and conclusively demonstrate that the United States has no general sovereignty over navigable rivers, that the people of the United States in their national character have no property interest in them, and Congress can not constitutionally exact rents or royalties, to be covered into the Federal Treasury as proposed, and that such legislation must necessarily be a usurpation of the sovereign powers of the States and confiscatory of their property and that of their citizens. Argument in support of these obvious conclusions would be an

abuse of the patience of the Senate and an offense to its intelligence.

These contentions are now conceded by some of the advocates of these Federal rents and royalties who are familiar with the authorities, and they have been driven to rest the power of Congress to compel the payment of them upon the proposition, as I understand it, that the United States, through Congress, has the power to grant to the States and their grantees permits necessary to authorize them to construct dams in navigable streams, and in exercising this power may impose such conditions as Congress deems proper.

This must carry with it the assertion that this can be done, although the proposed structure will not obstruct but improve navigation, and the purpose of it be lawful and laudable, and the terms or conditions imposed are beyond the affirmative powers of Congress, and in direct violation of the express provisions of the Constitution.

Mr. President, these are most astounding propositions of constitutional law and public policy, difficult to reconcile with the spirit and genius of constitutional government and the guarantees which it affords to the personal and property rights of a free people. Is it possible that Congress can by constructive force and duress usurp the sovereign powers of the States and confiscate the property held in trust for their citizens? Can the fundamental law be thus evaded and violated to force the States and their citizens to yield to an unlawful and unjust exaction under the penalty of being arbitrarily prohibited from the use and enjoyment of their property? The premises of this proposition are fallacious. The United States has no general police power over or proprietary rights in navigable waters to grant.

The commerce clause conferring on Congress the power to regulate commerce with "foreign nations and among the States" does not authorize such legislation.

The latest judicial construction of this clause is found in the case of *Adair against United States*, in Two hundred and eighth United States, page 177, where it is said:

The power to regulate interstate commerce is the power to prescribe the rules by which such commerce must be governed. Of course, as has been often said, Congress has a large discretion in the selection or choice of the means to be employed in the regulation of interstate commerce, and such discretion is not to be interfered with, except where that which is done is in plain violation of the Constitution.

And its limitations are there declared—pages 178 and 180—in these words:

Manifestly any rule prescribed for the conduct of interstate commerce in order to be within the competency of Congress, under its power to regulate commerce among the States, must have some real or substantial relation to or connection with the commerce regulated. * * * We need scarcely repeat what this court has more than once said, that the power to regulate interstate commerce, great and paramount as that power is, can not be exercised in violation of any fundamental right secured by other provisions of the Constitution.

Mr. President, while the Supreme Court holds in this case that Congress has plenary power under the commerce clause to regulate foreign and interstate commerce, it also holds with equal positiveness and certainty that this power has limitations and can not be exercised in violation of other provisions of the Constitution, which is simply an application of the cardinal and fundamental principle that all the ordinances of the Constitution are of equal dignity and validity, and must be construed and enforced so as to give them all equal force and effect.

The proposed legislation would violate the tenth amendment, declaring and protecting the reserved powers of the States. The Congress would thereby usurp and assume to exercise the general police powers of the States over navigable rivers, and appropriate the property rights they hold in them in trust for their citizens.

The original States of the Union—and the new ones have the same rights—had all sovereign powers and property rights over and in navigable streams, their banks, beds, and waters within their respective boundaries before the United States was organized and the Constitution ratified, and the public then had the same easement or right of navigation it now has in those streams. Commerce, intrastate, interstate, and foreign, was regulated by the States in the exercise of their general inherent police power over navigable rivers and their waters.

All these powers and rights, except the police power conferred upon the Congress to regulate foreign and interstate commerce, were reserved to the States, and they need no permission from Congress to exercise and control them. They exercised these powers without question by the Federal Government for a hundred years, during which time their general assemblies appropriated money for the improvement of the rivers, authorized the construction of bridges and dams, and otherwise legislated in relation to them, all of which was sustained in the principle announced in the case of *Monongahela Navigation Co. against*

United States (148 U. S., 311), where it was held that a company authorized by the State to construct navigation dams could recover full compensation for its property when taken over by the United States under an act of Congress for the further improvement of the river. Congress did not then claim the power to interfere in such matters further than to prohibit the construction and order the removal of structures considered by it obstructions to navigation.

The statutes which Congress enacted in 1899, 1906, and 1910, which are proposed to be amended and repealed by the Senate bill, requiring the consent of Congress to the construction of dams and other structures, are not enabling acts. Congress does not thereby grant any rights to the States and riparian proprietors. These statutes and the amendment adopted by the House are prohibitory in their character and thinly disguised efforts to usurp reserved powers of the States, and appropriate for the whole Nation property rights which they hold in trust for the exclusive benefit of their own citizens.

Such legislation would also violate the fifth amendment, ordaining that private property shall not be taken for public use without just compensation. The imposition of a charge or burden, however small, upon private property for a public purpose without compensation is confiscatory and forbidden by the fundamental law. I do not consider it necessary to cite authority to support such an obvious proposition, but the question has been directly passed upon in the cases of *Rossmiller v. States* (114 Wis., 169, 188); *Cary Library v. Bliss* (151 Mass., 364, 378); *Woodward v. R. R. Co.* (180 Mass., 599-603); *Chicago R. R. Co. v. Illinois* (200 U. S., 593).

Riparian rights are property protected by this principle. In *Cyc.*, volume 15, page 648, it is said:

Water rights are within the protection of the constitutional inhibition against taking or injuring private property without making just compensation to the owner. Consequently, if the waters of a lake or stream are polluted, diminished, or diverted, or otherwise taken, directly or indirectly, so as to infringe upon the rights of a riparian or littoral proprietor, or if lands lying under the waters of a lake or stream and owned by private individuals or improvements thereon are taken wholly or in part, the owner is entitled to proper compensation.

Commerce—transportation—is not the only or the highest use of navigable streams. Their waters are absolutely necessary for domestic, agricultural, and manufacturing purposes. Animal life could not be sustained and the earth would not produce food without them. These purposes and uses are all more important for the support of life and the welfare of the people of the States where the waters flow than foreign and interstate commerce and have equal protection under the Constitution.

The easement or right of navigation which the public has in navigable rivers is the same that it has in ordinary highways, and the police power which Congress, and the States within their respective jurisdictions, have to regulate it, must be exercised in a reasonable manner consistent with the rights of abutting and riparian proprietors. (*Grand Rapids v. Butler*, 159 U. S., 87; *R. R. Co. v. Illinois*, 146 U. S., 387.)

Mr. Farnham, in his valuable work on *Waters and Water Rights*, section 29, concerning the respective rights of the public and riparian proprietors, says:

When it is said that the right of the public is paramount, nothing more is meant than that the riparian owner can do nothing to close the highway. He can not divert the water from the stream, nor consume it so as to defeat the possibility of navigation, nor can he place any insuperable obstructions in the stream. Conversely, the right of public navigation is not such as to destroy the rights of the riparian owner. The right can not be exercised to the unnecessary or wanton destruction of private rights or so as to deprive the riparian proprietors of the use of the stream for legitimate purposes which will not unreasonably interfere with the right of navigation. The navigation right is the right of passage merely, and so long as the right is preserved without reasonable impairment, the riparian owner may abridge the stream or use water therefrom, or even throw a dam across it, if he makes provision for the right of passage. The rights may be said to be reciprocal, each modifying the other, each to be used so as not to interfere unreasonably with the other right. The riparian owner is not bound to provide a better passage than is furnished by nature. He may even abridge the rights to some extent, if he leaves a convenient passageway.

This text is sustained by adjudged cases of last resort of many States.

It is not claimed that the absolute prohibition of the construction of all structures in streams is necessary to protect navigation, and could not be so, because it is known that the dams which companies owning riparian rights propose to construct, with locks and other facilities, would greatly improve navigation in every instance. There is no pretense that the exaction of royalties upon the waters used or the water power developed in these streams can have, in the language of *Adair against United States*, any "real or substantial relation or connection" with the navigation of the rivers, or that it would be a regulation of commerce. It would clearly be an unreasonable and arbitrary exercise of police power wholly foreign to commerce which could not be sustained in the courts of the country.

The case of *Chicago Railroad Co. v. Illinois* (200 U. S., 593) is directly in point here. It is there said:

If the means employed have no substantial relation to the public objects which the Government may lawfully accomplish; if they are arbitrary and unreasonable beyond the necessities of the case, the judiciary will disregard mere form and interfere for the protection of rights injuriously affected by such illegal action.

The Supreme Court has held that the United States has no general police power, and Congress can not exercise that reserved to the States, although the States and their citizens give their consent. (*United States v. De Witt*, 9 Wall., 41; *Martin v. Hunter*, 1 Wheat., 304; License cases, 5 How., 504; *Pollard v. Hagan*, 2 How., 229; *In Reher*, 140 U. S., 345; *Enc. U. S. Repts.*, vol. 4, 214.)

Let us for a moment consider where the proposition that Congress can exercise general sovereignty over navigable streams and their waters, and arbitrarily prohibit the use of them would lead.

The States and their cities could be absolutely prohibited from the use of the waters and the water-power resources of the streams for any and all public purposes; and the people could be prohibited from using them for domestic, agricultural, or manufacturing purposes, regardless of the fact that in each case the use would not interfere with navigation. If one of these things can be done, all can be done. More than this, Congress could, under the guise of regulating commerce prohibit the shipment of coal, oil, and ores, without the payment of royalties by the mine owners, to be covered into the National Treasury. These are all great natural resources as much as waters and water power, and arbitrary power could as lawfully be exerted over them as a commerce regulation.

The argument made in favor of the Federal Government arbitrarily usurping the powers of the States and confiscating the rights of their citizens in navigable waters is that it is necessary to protect the people from monopoly and preserve to them this great natural resource. The history of the past shows that the Federal Government has given away more of the public property and natural resources of the country in grants of lands and subsidies to railroad companies and in grants of mining lands and lands bearing coal and oil in value many times that disposed of by all the States combined. I do not agree with the assumption that Congress and the officials of the Federal Government are more honest and more competent to manage the affairs of the States than the people of the States. Those who entertain this opinion may be right, so far as the people of their own States are concerned, but I deny that it is true of the citizens of the great State which I in part represent. I have every confidence in the integrity and ability of the people of Tennessee to administer their own affairs and protect their own interests, and for them I protest against such calumny and any interference upon the part of Congress or other Federal agencies in the free exercise of their governmental powers and private rights.

The statement has been made and given wide circulation that there is an effort by some unknown interest, vaguely spoken of as a Water-Power Trust, without the slightest evidence of the existence of such a thing, to appropriate the great natural resources of our navigable streams. There is undoubtedly an effort to appropriate these resources, but not by private interests. It is to be found in the proposed unconstitutional and confiscatory legislation, which the Senate bill proposes to repeal, and against which I am protesting, and which is nothing less than a bold and unwarranted effort to wrest from the States these valuable property interests held by them in trust for the exclusive benefit of their citizens, and appropriate them to the use of the entire Nation. The proposition is to take from the States and their people the natural resources found within their borders and turn them over to the United States to be distributed among the people of all the States.

The Senate bill fully recognizes the sovereignty of the States over navigable streams within their borders and the property rights in their waters and the interest and welfare of their citizens, and ample provisions are made to protect them all. Companies proposing to construct dams for the development of water power or other purposes are required to first obtain authority to do so from the States where the dams are to be built and the plants located and operated. The property and the business of the companies are made subject to State taxation, and the rates to be charged for the water power and hydroelectricity furnished, generated, and sold are to be regulated and fixed by the laws of the States through their public-utility commissions, and such other agencies as the States may in their discretion provide for that purpose, and special provision is made against the monopolization of waters and water power.

But if these things were not provided for it would be no concern of Congress. The Federal Government can not usurp

and exercise the powers of the States, because they do not exert them in whole or in part.

The legislation which is required for the development of the water-power resources of navigable streams and all that is necessary is the repeal of the present laws arbitrarily prohibiting the States and riparian proprietors from constructing dams regardless of whether they will obstruct or improve navigation, and reasonable provisions for the submission of the location, plans, and specifications of dams proposed to be constructed, to the Federal authorities having charge of navigation in these streams, so that they may determine in advance whether the proposed structures will or will not obstruct navigation, and to require them to be constructed under plans approved by them and under their supervision, so that they will not obstruct but improve and facilitate navigation for the present and for a certain and fixed term of years, so that, so far as possible, all necessity for removal of the dam as an obstruction may be avoided.

While in the phraseology of the Senate bill the terms "permit" and "permittee" and "grant" and "grantee" are used following that of the former laws, the gist of the provisions of the bill are simply for the construction of the dams, upon the conditions and under the supervision of authorities as here stated.

This is all Congress can constitutionally legislate, because the United States has no other authority to grant and no water or water power to sell or charge royalties upon, and the States need no permit to exercise their powers further than to avoid interfering with commerce.

The provisions for the termination of the permit in the Senate bill and in the amendment of the House are substantially the same, the difference consisting largely in details and procedure. The definite term in both is 50 years. The present law provides that the term shall not exceed 50 years unless Congress shall so direct. The consensus of opinion now seems to be that a term of 50 years is necessary for properly financing a company organized for water-power development, and there is no objection to this period. The provisions of the Senate bill upon this subject are found in sections 5 and 6 of the bill.

The objections made to these provisions, as I understand them, are as follows:

It is charged that the right of the United States to take over the property under section 6 is limited to the period of the expiration of the definite term of the permit—50 years—and if not then exercised the permit becomes perpetual. This objection is unfounded. The first sentence of section 6 provides—"That at any time after the expiration of said 50 years the United States may terminate the rights hereunder granted upon the giving to the grantee, either before or after the lapse of the period of the permit, two years' notice," and after the termination of the permit the renewal or grant to another will be made as "authorized and required by then existing laws."

But if this is not sufficiently clear the bill can and will be amended, for the intention of the Senate was to reserve the right to Congress to arbitrarily terminate the permit at any time after 50 years, upon reasonable notice.

It is charged that the renewal or regrant of the permit is required to be upon the same terms as the original permit.

The lines quoted above from section 6 provide that the renewal of the permit or grant of it to another be done under "then existing laws," which may be entirely different from the requirements for the original permit prescribed in the bill and as Congress may hereafter direct.

It is charged that the permit authorized is in effect a perpetuity. This is absolutely untrue.

The permit, under section 5, is to be made for the definite term of 50 years, when it expires by limitation of law, and after that the permittee continues in the use and possession of the property, at the pleasure or option of the United States, until the permit is finally terminated by notice, when the property may be operated by the United States, granted to another permittee, or to the old permittee upon such conditions and such terms as the then existing laws, passed in the light of the experience of 50 years, may authorize and require. The provision for the continuance of the permit at the option of the United States is necessary in order that the permittee may keep the property in good repair and running order and supply his customers with power. If the permit terminated automatically and the plant shut down it would deteriorate in value and great loss would follow to all manufacturing plants dependent upon it for operative power.

Further objection is made to the provision for compensation of the permittee for his property when taken over by the United States or a new permittee. The language of section 6 upon this subject is in these words:

Upon paying to the grantee the fair value of said property, together with the cost to the grantee of the lock or locks, or other aids to navi-

gation, and all other capital expenditures required by the United States. * * * In the determination of the value of said property for any purpose as between such grantee and the United States or any State, no value shall be claimed or allowed to the grantee for the rights hereunder granted.

This is as far as Congress can legislate upon this subject. The provisions for taking over the property of the permittee upon the termination of the permit are in substance and effect the exercise of the power of eminent domain, and the appropriation of private property for a public purpose.

Congress has the power to determine what property is required for public use and the procedure by which it may be taken, but the compensation to be paid is a question for the courts. The Supreme Court of the United States, in *Monongahela Navigation Co. v. United States*, after holding that while the question of appropriation was legislative, that of the compensation was judicial, and the legislature could not prescribe the rule of compensation, quoted with approval from *Isom v. Mississippi Railroad Co.* (36 Miss., 300) the following statement of the law upon the subject:

The right of the legislature of the State, by law, to apply the property of the citizen to public use, and then to constitute itself the judge in its own case to determine what is the "just compensation" it ought to pay therefor, or how much benefit it has conferred upon the citizen by thus taking his property without his consent or to extinguish any part of such "compensation" by prospective conjectural advantage, or in any manner to interfere with the just powers and province of courts and juries in administering right and justice, can not for a moment be admitted or tolerated under the Constitution. If anything can be clear and undeniable upon principles of natural justice or constitutional law, it seems that this must be so.

The bill provides that the "fair value" of the property is to be determined by mutual agreement between the Secretary of War and the permittee, and in the event of their failure to agree, then in a proceeding in equity instituted by the United States in a district court of the United States.

The words "fair value" are synonymous with "reasonable value," used in the present law and "just compensation" used in the constitutional provision providing for the payment for property taken for public use.

The former words were selected because they were believed to express what would be just and right between the grantee and the United States or any subsequent lessee, and are ordinarily used in reference to matters here concerned. They are the words used in the Federal revenue laws providing for the valuation of property for assessment and taxation.

What is fair value must always depend upon the facts and circumstances of each case, and is a question peculiarly proper for judicial determination. The courts of the country have frequently had this question before them in determining the rights of parties in similar matters, and the meaning of the phrase "fair value" is well defined and its flexibility in application to different facts and conditions is well established, as will readily appear by reference to the adjudged cases upon the subject.

The United States Supreme Court, in the case of *Wilcox v. Consolidated Gas Co.* (212 U. S., 19), speaking of the valuation of the property of a company in fixing rates, said:

And we concur with the court below in holding that the value of the property is to be determined as of the time when the inquiry is made regarding the rates. If the property which legally enters into the consideration of the question of rates has increased in value since it was acquired, the company is entitled to the benefit of such increase. This, at any rate, is the general rule. We do not say that there may not possibly be an exception to it where the property may have increased so enormously in value as to render the rate permitting a reasonable return upon such increased values unjust to the public.

The same court, in the so-called Minnesota cases, involving similar questions, said:

It is clear that in ascertaining the present value we are not limited to the consideration of the amount of the actual investment. If that has been reckless or improvident, losses may be sustained which the community should not underwrite. As the company may not be protected in its actual investment if the fair value of the property be plainly less, so the making of a just return for the use of the property involves the recognition of its fair value if it be more than its cost.

In the case of *Omaha v. Omaha Water Co.* (218 U. S., 190) it is said:

This option to purchase excluded any value on account of unexpired franchise, but it did not limit the value to the bare bones of the plant, its physical properties, such as its lands, its machinery, its water pipes, or settling reservoirs, nor to what it would take to reproduce each of its physical features. The value in equity and justice must include whatever is contributed by the fact of the connection of the items making a complete and operating plant. The difference between a dead plant and a live one is a real value and is independent of any franchise to go on or any mere good will as between such a plant and its customers. That kind of good will, as suggested in *Wilcox v. Consolidated Gas Co.* (212 U. S., 19), is of little or no commercial value when the business is, as here, a natural monopoly, with which the customer must deal, whether he will or no.

There is no sound reason why the ordinary rules for ascertaining the value of property which the owner is compelled to part with by contract limitation or by law should not apply when the property of a permittee is taken over under the provisions of this bill. The same principles of justice and equity

which govern controversies between individual and individual should apply to similar controversies between the sovereign and its citizens, certainly in matter affecting the private property rights of the citizen. The sovereign should not take advantage of its great power and wealth to obtain a more favorable settlement of a controversy than allowed by the law it administers in similar matters between citizen and citizen.

I have every confidence in the integrity and ability of our courts. The machinery of the courts of equity is ample and effective to ascertain all the facts and settle all equities in accordance with that common justice which should be meted out in every case. The conditions and circumstances then existing of each and every case will be considered and that which is fair and just will be done.

I do not believe that there should be specific exclusion or inclusion of values, tangible or intangible, prescribed at this time, for it is impossible to say whether they will or will not be elements of fair value at the expiration of the term of the permit. It is safer to leave these matters to be dealt with by the courts, in the light and progressive development of 50 years of experience, especially when the matter in many respects is new and the possibilities yet not fully developed and known.

The constitutional provision that private property shall not be taken but for a public use, and then only with "just compensation," can only be complied with by allowing the fair value of the property, whether it be taken over by the Government for operation or granted to another permittee. If the fair value of the property is not to be paid at the termination of the permit, it must be amortized in the rates charged during the life of the permit. There is no other way in which the capital invested can be returned, because the rates charged would otherwise be confined to a fair return upon the investment. There is no way to compel those who have money to invest it in water-power development.

The business requires large capital, is new and not fully understood, and hazardous from floods and many other natural causes. If investments of this kind are not protected as other property interests these vast natural resources will continue to go to waste and the country deprived of the beneficent use of cheap power. There is nothing immoral or unlawful in the development of water power that investors in it should be discriminated against and penalized.

The chief object of legislation of this character should always be to advance the interest of the consumers of water power and hydroelectric energy, and this has been the controlling purpose in framing the Senate bill. There are few who do not concede that rents, royalties, or charges which may be imposed upon water-power development by the Federal Government, and all deductions made from the fair value of the property when taken over or regranted to another upon the expiration of the permit, must be taken into consideration by public-service commissions fixing and regulating the rates to be charged for the power sold, and thus in the end will be paid by the people.

A provision requiring the permittee to take less than the fair value of his property would be only another method of collecting rent and royalties for the benefit of the Federal Government from property in which it has no possible proprietary interest and is subject to the same constitutional objections. There is no difference in requiring the contribution to be paid in advance in royalties and at the expiration of the permit by deductions from the value of the property. It is in either form a taking of private property without just compensation. The permit passes no property interest and is not a valuable consideration. It is a mere police permit allowing the owner to use his property in a lawful manner.

The conception which obtained publicity and prominence about 10 years ago—that a great Federal revenue should in this way be raised, to the prejudice of the rights of the sovereign States and their citizens—has been largely abandoned, and especially by many officials whose duties required them to study water-power development and prominent disinterested citizens who have given the matter attention. It is believed by them that prompt development of the water-power resources of this country for the benefit directly of the inhabitants of the district where they are found and indirectly in forwarding the interests of all the people in cheap power should not be retarded by a policy of doubtful propriety, justice, and constitutionality when viewed in its most favorable light.

Mr. Fisher, former Secretary of the Interior, in the hearings on the development and control of water power before the National Waterways Commission, said:

I should put it in the statute—

Referring to the term—

50 years—not more than 50 years—as the term of a grant. I do not think it is necessary to have a longer period, and I do not think any engineer or promoter interested cares for it beyond that length of time.

He must take care of his finances in most cases within a shorter period than that. If you do not grant him a renewal, you must take care of the capital invested in the plant. You must follow one of two principles—you have either got to say that this concern can charge during a particular period of the grant a rate which will enable it to retire the principal or you must provide that you will protect the principal as it stands at the end of the grant. You may prefer that the grantee shall turn over the investment at the end of the grant to the public for nothing. I can not understand that policy. That means the people living during the 50-year period are going to have to pay for the entire investment and that posterity will get it for nothing. But if you think posterity should share the burden with us, and I am personally inclined that way, I would be in favor of saying, "You provide adequate funds for depreciation, renewals, and obsolescence and we will take your plant over at the end of the period at the then value of the plant if you do not continue."

I will also read a statement from the preliminary report of the United States National Waterways Commission, made by Senator Theodore E. Burton, as chairman, and Senators Jacob H. Gallinger, William Alden Smith, F. M. Simmons, James P. Clarke, and Representatives Stephen M. Sparkman, John A. Moon, and others, page 24:

The commission is of the opinion that the Federal Government has no proprietary right or interest in navigable waters which would authorize the collection of tolls. The right, if it exists at all, rests upon either the second or third theory stated. As regards the second theory, it should be said that the imposition of tolls, unless based upon a more substantial foundation than the mere authority to grant or withhold consent—an authority arising solely from the control of the Federal Government for the purposes of navigation—does not commend itself to the commission, and it is to be doubted whether, even in case a bill should be passed or other action taken by Congress for granting this permission, with a provision for charging tolls, such tolls could be collected. Regarding the third theory stated, it should be noted that under the exercise of the taxing power Congress can levy taxes for general revenue purposes upon all classes of water power, whether in navigable or nonnavigable streams, and if charges are to be imposed it would seem that this is the normal method. It should further be borne in mind that a requirement for the imposition of tolls where the right to construct a dam is hereafter granted would cause a discrimination between water power to be utilized under future permits and those already enjoyed, which are subject to no such charge. It must, of course, be remembered that whenever the privilege of constructing dams is granted in a navigable stream there is an undoubted right to impose charges sufficient to pay the expenses of examination and supervision and to secure the Government against cost, by reason of obstacles to navigation created by the erection of dams, but this rests upon an entirely different principle from the proposal to charge tolls.

Mr. President, there is another feature of this legislation to

The conditions and terms upon which the persons and companies owning or acquiring riparian rights upon navigable rivers, complying with the laws of the States concerning such matters, to construct dams in them, first having obtained a permit to do so from the Secretary of War upon the terms prescribed in the bill, and those which it authorizes that officer to impose. This is necessary for a workable law.

The conditions and terms upon which the persons and companies may be authorized to construct dams or other obstructions in navigable streams are proper subjects of legislation, and should be prescribed by the Congress, but the mere location of a dam in accordance with such legislation is a matter of administrative detail which the War Department, having charge of the improvement of navigable rivers, can best investigate and determine, so as to protect fully the interest of navigation.

The construction of dams is a local matter, and for more than a century Congress left the control of it entirely to the States wherein the rivers were situated, and no other permit was required than that of the general assembly of the State, the structure, subject always to be removed if deemed by the Federal authorities an obstruction to navigation. This contingency was sufficient to prevent interference with navigation by structures, and there was no friction between the Federal Government and the States, or those to whom they granted permits, concerning dams in navigable streams.

The Congress, by an act passed in 1899, forbade all structures without a special act giving its consent. Why this change was made and this great burden of administrative detail assumed by Congress does not appear. Nor does it appear that there was any special demand for the legislation, nor that the question was debated, nor that it received deliberate consideration when the law was passed.

A general dam law which requires the action of Congress in each separate project is one in name only. It is not within the power of this nor any future Congress to control the legislative policy of their successors. Congresses are constantly changing membership, and new Members will always have different views concerning the improvement of navigation and water-power development which would be written in each separate act consenting to a particular project, and this would absolutely destroy uniformity in legislation of this kind and assure discrimination and inequality in the terms of different permits.

The delays which occur in procuring the consent of Congress by special acts and the uncertainty of what the provisions of such acts will be, have in the past discouraged capital and

caused it to seek other investments free from such embarrassments, and will continue to do so. The Congress has conferred upon the War Department jurisdiction over navigable rivers and intrusted to its officers the improvement of them with appropriations from the Public Treasury, with full discretion in the location and construction of dams, locks, and other facilities for navigation, and there is no valid reason why these same officers should not be intrusted with this discretion when private capital is used in making improvements. Congress, before enacting special acts for this purpose, has generally referred them to the War Department for a report, so far as the project affected navigation, and has given great weight to such reports. This provision does not carry with it any appropriation from the Federal Treasury or concession of public property, but is a delegation of part of the police power of Congress to regulate commerce by the improvement of navigable rivers. I think it is now generally conceded that this plan is preferable to special acts authorizing the construction of dams. Authority to grant permits for water-power development upon the public domain has been given the Secretary of the Interior and found to operate satisfactorily. The police power has also been conferred upon other departments of the Government over matters within their respective jurisdictions with satisfactory results.

Mr. President, the navigable rivers of the United States are perhaps the greatest natural resources of our country. We have about 50,000 miles of these rivers which are navigable for commercial purposes, and about one-half of them have obstructions, such as falls, rapids, and shoals, which must be removed or submerged.

The maximum water-power horsepower in the United States is estimated to be 61,780,000, exclusive of available storage, only about one-tenth of which is developed and utilized. That in the navigable rivers alone is estimated to be about 27,000,000 horsepower, of which a comparatively small portion is developed. Our present arbitrary and oppressive laws controlling these rivers have absolutely prohibited and strangled water-power development in them, the total development since they were enacted being less than 140,000 horsepower. There never was a time in the history of this country when the necessity for improving the navigation in these streams and utilizing this natural energy now going to waste was greater than at present. Our magnificent railroad systems—and we have the greatest in the world—have utterly failed to answer the demands of the commerce of the country, and transportation has been congested for months. The further construction of railroads to any important extent seems improbable, as the mileage in the last two years has been less than that of any one year for half a century. The opening of our rivers for navigation has become an imperative necessity, but the Government is embarrassed in accomplishing it because of the great expense required.

We must have cheap power in large quantities for manufacturing fertilizers, steel, chemicals, aluminum, and many other things necessary to the cultivation of our lands and to enable us to compete with other countries in the production of those articles. The cost of foodstuffs of all kinds has reached a mark that is oppressive to a large part of the people of the country, resulting from diminished supply and increased population. Our lands have deteriorated in fertility and must be fertilized to make them produce larger crops. We must have cheaper nitrogen and phosphorus for the manufacture of fertilizers, which are only obtainable by the fixation of atmospheric nitrogen and electrical treatment of phosphate rock. We can not obtain the hydroelectricity for these purposes without the development of our water powers.

The capital to open these rivers for transportation and develop and utilize this energy can be obtained by repealing the present prohibitory statutes and enacting proper laws which will safeguard and protect the property of the investors, at the same time affording ample protection to the rights of the people in these great natural resources. It is unjust to the American people to longer delay legislation of this kind; indeed, it seems to me little less than a crime that we should arbitrarily prohibit the development of our rivers for these beneficent purposes, which would contribute so much to the happiness and prosperity of our people. The time for personal exploitation, publicity, and false conservation has passed and practical methods and policies ought to be adopted and followed.

Mr. President, some time ago Mr. Hugh L. Cooper, a well-known hydraulic engineer, whose best known work is the great hydroelectric plant on the Mississippi River at Keokuk, Iowa, in an article on water-power development appearing in the Outlook, said:

It is stated by some of those who oppose changing the present laws for the development of water power on public lands that there is no necessity of demand for additional developments in the West, because

some existing power companies have sufficient power unsold to supply the present and near-future market. This suggestion by Government officials that great areas of territory in the West and South shall be deprived of industrial growth through water-power assistance until these few restricted districts have consumed all their developed power is so unfair and unsound economically as to be almost pitiful. Our railways had to overdevelop that the country might develop, and the same is true of the water-power industry. It can also be said that in the entire United States to-day there is not a single water power developed that can offer power terms justifying the establishment of fertilizer works, electrochemical works, large irrigation projects, or nitrogen-fixation plants. It can also be said that there are now tentatively under serious consideration in the United States new developments that will call for more than \$75,000,000, all awaiting for encouraging legislation only. Must our unnecessary importations, amounting to \$50,000,000, and many other crying needs, wait until a few western plants can sell out a small amount of power now unsold? I do not think the people will take kindly to this idea. Furthermore, if it should turn out in the future that more power is developed than can be immediately sold, such a condition is hardly one which the public or the Government need worry about, so long as the people reserve to themselves the right to regulate power rates.

What facts Mr. Cooper had to base these statements upon I do not know, but from his well-known character it is supposed that he would know whereof he speaks. There is unquestionably great opposition to the free development of the water-power resources in the United States, but whether it comes from a combination of the water-power-developed interests, from the great transportation companies of the country who would be prejudiced by navigation upon our waterways, or from other sources, I do not know.

I have referred to the strenuous efforts that have been made to impose burdens upon water power yet to be developed, and the fact that this would be a discrimination against them because the companies having plants in operation are not subject to such charges. There is a constitutional and a just method by which all persons and companies engaged in water-power development may be required to contribute to the expenses of the National Government, and that is by an excise tax. I have been opposed to a tax of this kind, because one of the great objects of water-power development is to furnish cheap energy necessary for the purposes I have just stated, and every burden imposed will find a place in the rates charged the people for the use of the power. But if charges upon water-power development must be imposed it should be done in a lawful manner, and therefore I will propose an amendment to the bill for the increase of revenue when it comes to the Senate providing for such a tax in these words:

That all persons, associations, and corporations engaged in the business of operating plants for the production of water power shall pay an excise tax of 10 cents per horsepower year of energy produced and used or sold or otherwise disposed of.

All persons, associations, and corporations subject to this tax shall annually file with the Commissioner of Internal Revenue, on January 1 of each year, a detailed statement of the horsepower produced, sold, used, or otherwise disposed of by them for the previous year, duly verified by a person having knowledge of the facts: *Provided*, That this tax shall not apply to any person, association, or corporation during the five years next after having begun the business of producing, using, selling, or disposing of water power, nor to persons, associations, or corporations producing, using, or selling less than 100 horsepower: *Provided further*, That no person or company required by the terms of the permit granted to them by Congress, or any authorized agent of the United States, to construct a dam or dams in navigable streams for the development of water power to pay any rent, royalty, or charge of any nature, or of any amount, shall be subject to the said tax, and no such royalty or charge shall exceed the tax hereby levied.

The rate is suggestive and tentative. If thought best, it can be raised. A tax levied in this way will discriminate against neither existing nor future water-power companies and will be fair to all of them.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. VARDAMAN. Mr. President, I am not one of those guilty of the charge that an effort has been made to prevent action upon the bill under consideration in order to defeat it. I regret that my sense of duty to the American people renders it impossible for me to support this measure, but I am perfectly willing to have a vote upon it. I am willing that the sense of the Senate may be taken upon it, and if a majority of the Senate and the Congress approve it I am willing for it to become a law.

It is an extraordinary measure, one that has grown out of the peculiar conditions of the time. The world is mad on the subject of war. The military is rapidly gaining ascendancy in the mind of the people over the civil. The dangers against which we were warned by the far-seeing, patriotic Jefferson in the morning of our national life confront us ere the noon hour of our career is reached. The truths taught by the fathers that we have held sacred and cherished as the quintessence of human wisdom for all these years are cast aside as mere vaporings, verbal rubbish, wholly inapplicable to present conditions, and insufficient to meet the imaginary demands of the present or the immediate future.

Somebody has wisely said that one of the most striking things that history teaches is the unmindfulness of what was

taking place on the part of those who were prominent actors in what has proven to be the great turning points of time. I do not believe the most prescient, far-seeing statesman in America to-day accurately measures the meaning and the real tendency of things. The greed for gain, the princely profits which the manufacturers of munitions of war have received, overbalance all matters of patriotic consideration. Money mad, the Alexanders of finance of the present are looking out for new worlds to conquer. A great army and a large navy will be needed to hold the oppressed in order when the oppressor demands an unfair share of the products of the laborers' toils. The fevered state of the public mind is taken advantage of. The old landmarks are torn down, and an entirely new order of things is at hand. Everything must be done to make the military life attractive to the young men, and the products of honest toil which should be devoted to education and other peaceful enterprises must be used to build up the Army. Regular Army officers, generals of high rank whose very life work inspires a contempt for free institutions, are being drafted to write bills for Congress to enact. Compulsory military training and service are to be given prominence in our legislative program that an Army may be built up to serve the purpose which armies always serve. I am not a pessimist, but as I dip into the future there appears to my mind's eye above the horizon an ominous cloud which presages disaster to free government.

It is time to pause, to take counsel of our better judgment, study the lessons of the past, and from the wisdom of the ancients learn the way around the snares and pitfalls which imperil our pathway in the immediate future. The only light we have to guide us in the darkness of the future is that which shines out from the experiences of the past. Time and experience have proven beyond any sort of doubt that if the Nation, like the individual, shall sow to the wind it will reap the whirlwind. If we sow the seed of militarism, we shall inevitably, there is no doubt about it, reap despotism. Free institutions can not live if they must be defended by the professional soldier. And the experiences of mankind have demonstrated that great armies and navies are utterly inconsistent with free institutions.

Mr. President, I honor the man, I care not what his vocation may be or in whatever walks of life his footsteps may fall, who promptly answers the demands of duty and hesitates not in the performance thereof to count the cost, and who refuses at all times to measure with gold the value of service or the consequences of his heroic acts. I cheerfully acknowledge the Nation's indebtedness to the brave men who wore the blue in that fateful conflict waged more than a half century ago, which submerged our fair land with woman's tears and painted crimson the hills and valleys of our common country with the sacred blood of brothers. Their heroism is a common heritage which every worthy American, without regard to section, holds sacred—the priceless jewel of our citizenship. We may differ as to the constitutionality of their cause, we may dispute as to whether the consequences of their act will bring ultimately good or evil to the people, but there can be no justifiable disputation touching the exalted purposes and high sense of duty which inspired them in making the almost superhuman sacrifice in that unfortunate struggle. If there be one among that gallant band living to-day who finds the shadow of the evening of his life deepened by the appalling clouds of poverty, let his wants be made known to this body, and I shall crave the opportunity to cast the first vote for the measure that will take from the National Treasury ample funds to supply his necessities and dispel forever from his patriotic soul every disquieting apprehension of poverty. And I shall vote to give it to him not as a charity, not as alms, but rather in payment of the Nation's obligations to him. Mr. President, in the realm of patriotism there is no aristocracy of rank, no higher or lower order of service, but rather that perfect democracy which disregards shoulder straps and measures the value of the man and the Nation's obligation to him by the lofty purposes which animated his patriotic soul and glorified his service to his country. The pension roll of this Republic should be a roll of honor, which should evidence the regard and admiration in which the people of the Nation hold the man who faltered not when duty called him to his country's service; and that roll should be guarded against the unworthy who would seek to prostitute patriotism for pelf or personal aggrandizement. Every element of greed, every idea of commercialism should be eliminated.

The volunteer soldier who took up arms in defense of his country is entitled to support and maintenance at the hands of his Government upon one theory only, and that is that age, misfortune, or the accidents of war have rendered him incapable of supporting himself. He did not serve his country in those days "that tried men's souls" for pelf or the paltry pay of the professional soldier in time of peace, but rather from a sense of duty which impells every man to defend his

home and fulfill, without hope of reward or fear of punishment, the obligations which every good citizen acknowledges to his country. The very thought of commercializing patriotism, or measuring a man's service to his country in time of war by money, is repulsive to my every idea of the citizen's duty to his Government. Mr. President, it was once my fortune to be called upon to do a citizen's duty and take up arms in defense of this Nation's flag, and while the war in which I served was an insignificant affair compared with that desperate struggle in which the beneficiaries of this proposed bill engaged, yet the spirit which moved me and my comrades was identical with the spirit that prompted the veterans on either side in the War between the States. If this bill shall pass, it will only be a little while, I fear, before the officers of the Spanish-American War will be knocking at the doors of Congress and asking that they, too, be placed on the retired list, with pensions similar to those enjoyed by the Regular Army officers. Then, where, in the name of truth, will it all end? Who will bear the burden of this enormous expense, the magnitude of which is appalling to those who must pay it? I trust that the officers of the Spanish-American War may never ask for this favor.

Mr. STONE. I wish the Senator would make it clear that that is the war in which he enlisted.

Mr. VARDAMAN. Yes; I am doing that. They are not entitled to it, and it should not be granted them, but if this precedent shall be established I am quite sure that they will ask for it, and in the course of time it will be granted. The men of the Spanish War are quite as human—cumbered with all the frailties—greed, cupidity, ambition, patriotism, and selfishness—which characterize the men of other wars. Now, the man who stood with me in the ranks, and suffered all the hardships, dangers, and trials of army life, is entitled to just as much from the National Treasury for support in the hours of adversity or in the twilight of incompetent old age as I, who commanded him in the service. It matters not what others may think or say, I want to announce in this presence to-day that I should feel guilty of commercializing the patriotism which prompted me to enlist in that service if I should ask any especial favor because of my service as an officer in that war and deny to my comrades in the ranks the same measure of pay, in the way of a pension, which I claim for myself.

The pension roll is becoming a great burden on the taxpayers. I am afraid it contains some names that ought not to be there—the names of men more able to support themselves than many who are taxed for their support. The military expenses of this Government are weighing heavily upon the aching stoop of the men who toil. The spirit of greed is eating out the hearts of some of our people—vitiatng the pure, patriotic blood of citizenship. Pretended love of country is being capitalized, and unless something shall be done to call a halt the spirit of love for his country, which should glorify the heart of every citizen, will give away to a sense of resentment on the part of the laboring people, whose toll and sacrifice and suffering support the favored few, and upon whom this particular burden will fall. I have great respect and reverence for the volunteer officers on the Federal side in the War between the States, and I stand ready at all times to show my respect and honor for their heroic past, but I also have respect, love, and some consideration for the slow-thinking, patient, long-suffering toiler whose interest seems to have been forgotten in the consideration of this measure. Therefore I can not consistently, with my sense of obligation to the American people, support this bill.

Mr. THOMAS. I ask unanimous consent to report back favorably from the Committee on Public Lands Senate bill 6854, relating to the Rocky Mountain National Park, in the State of Colorado, and ask for its immediate consideration.

Mr. SMOOT. I will say to the Senator from Colorado that I shall have to object at this time, not that I am opposed to the report, but the Senator having the volunteer officers' retired list bill in charge has taken the position that no report of a committee should be presented until a vote has been had on the pending question.

Mr. THOMAS. I was not ready to submit the report this morning at the proper time.

Mr. SMOOT. I want the Senator to know that I have no personal objection to the report being made.

Mr. THOMAS. Very good; I withdraw the report.

The PRESIDING OFFICER (Mr. KIRBY in the chair). The question is on the motion of the Senator from Washington [Mr. JONES] that the Senate proceed to the consideration of Senate bill 392.

EXECUTIVE SESSION.

Mr. O'GORMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 9, 1917, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 8, 1917.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE TERRITORY OF HAWAII.

James L. Coke to be associate justice of the Supreme Court of the Territory of Hawaii.

GOVERNOR OF THE PANAMA CANAL.

Lieut. Col. Chester Harding to be governor of the Panama Canal.

COAST GUARD.

Third Lieut. James Mardsden Earp to be a second lieutenant.

Third Lieut. William Patrick Kain to be a second lieutenant.

Third Lieut. Floyd Jesse Sexton to be a second lieutenant.

Third Lieut. Jeremiah Allen Starr to be a second lieutenant.

Third Lieut. Joseph Edward Stika to be a second lieutenant.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

CAVALRY ARM.

To be captains.

Edmund S. Sayer.

Frank B. Kobes.

Walton Goodwin, jr.

George C. Lawrason.

Robert C. Richardson, jr.

To be first lieutenants.

Leon M. Logan.

Sheldon H. Wheeler.

Arthur A. White.

Thomas G. Peyton.

Junius H. Houghton.

Douglas J. Page.

James N. Caperton.

Charles C. Smith.

Harrison Herman.

John F. Goodman.

William W. Dempsey.

Robert R. D. McCullough.

FIELD ARTILLERY ARM.

To be majors.

Lucius R. Holbrook.

Andrew Moses.

Harrison Hall.

To be captains.

George V. H. Moseley.

Charles M. Bundel.

Charles D. Herron.

Robert C. Foy.

James P. Robinson.

Howard L. Landers.

John R. Kelly.

Harry B. Jordan.

Adam S. Casad.

Jacob A. Mack.

Otto L. Brunzell.

Pierre V. Kieffer.

Maxwell Murray.

To be first lieutenants.

Thurman H. Bane.

John T. Kennedy.

Thomas J. Johnson.

Edwin M. Watson.

Joseph A. Rogers.

Charles T. Griffith.

Philip Hayes.

Franz A. Doniat.

Carl A. Baehr.

John M. McDowell.

Raymond E. Lee.

Jason McV. Austin.

William A. Pendleton, jr.

Whitmon R. Conolly.

Gustav H. Franke.

Hubert G. Stanton.

William E. Larned.

Charles L. Byrne.

John P. Lucas.
 Roscoe C. Batson.
 Alvan C. Sandeford.
 Ira T. Wyche.
 Lewis H. Brereton.
 Edward A. Millar, jr.
 Clyde J. McConkey.
 Albert M. Jones.
 Robert S. Oberly.
 Leon R. Cole.
 Paul L. Ferron.
 George E. Arnemann.
 Clarence D. Lang.
 Isaac Spalding.
 Harry J. Malony.
 Robert F. Hyatt.
 Archibald V. Arnold.
 Earl B. Hochwalt.
 Francis T. Armstrong.
 Hamilton Templeton.
 William R. Gruber.
 William A. Copthorne.
 Eugene T. Spencer.
 Falkner Heard.

COAST ARTILLERY CORPS.

To be major.

John B. Christian.

To be captains.

Sebring C. Megill.
 Henry H. Pfeil.
 Walter W. Merrill.
 Frank Moorman.

INFANTRY ARM.

To be first lieutenants.

Theodore R. Murphy.
 Philip Coldwell.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. Thomas U. Raymond to be colonel.
 Maj. Clarence J. Manly to be lieutenant colonel.
 Capt. Henry C. Pillsbury to be major.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Francis J. Cleary to be a lieutenant commander.
 Lieut. Herbert H. Michael to be a lieutenant commander.
 The following named citizens to be assistant surgeons in the Medical Reserve Corps.
 William J. C. Agnew.
 Alanson L. Bryan.

POSTMASTERS.

CALIFORNIA.

Frederick Donaghy, Universal City.
 Frank J. Kolash, Norwalk.

DELAWARE.

Grover C. Gregg, Yorklyn.

ILLINOIS.

Polona H. Callaway, Tallula.
 J. D. Downer, Downers Grove.
 Ardelia M. Field, Dieterich.
 Anthony R. Gorman, Raymond.
 John D. Harpole, Nebo.
 P. H. Langan, Odell.
 Phillip Maher, Elmwood.
 William F. Peterson, Brownstown.
 Charles P. Regan, Capron.
 Drew Tufts, Centralia.
 Traverse R. Wright, Seaton.

KANSAS.

William Barrett, Pratt.

KENTUCKY.

W. T. Dudgeon, Walton.
 Richard F. Neely, Franklin.

MARYLAND.

Charles A. Barnes, Silver Spring.
 Katherine E. Brice, Betterton.
 Ella V. Cronin, Perryman.

MICHIGAN.

Verd H. Carpenter, Central Lake.

MINNESOTA.

Anna E. Baker, Brownston.
 Henry Hendrickson, Hoffman.
 Bessie H. Johnson, Echo.
 N. Elmie Lewis, Bertha.
 Wallace O. Merrill, Silver Lake.
 Daniel J. Sullivan, Ellendale.

MISSOURI.

Aubra M. Green, Armstrong.
 Clifford E. Miller, Verona.
 Clyde A. Perkins, Barnard.
 Goldie Wilson, Parnell.

NEBRASKA.

Hertha L. Mershon, Wilcox.

NEW JERSEY.

George M. Keebler, Glassboro.

NEW YORK.

Raymond J. Carden, Mountain Dale.
 Michael Culligan, Wurtsboro.
 Francis O. Driscoll, Staten Island (late Tompkinsville).
 Oscar M. Grubb, Kennedy.
 Thomas M. Keegan, Ferndale.
 Patrick H. Townsend, Essex.
 George E. Wroten, Trudeau.

NORTH CAROLINA.

William S. Carawan, Columbia.
 Charlie G. Foushee, Ramseur.
 J. N. Fuquay, Lillington.
 William Z. Gibson, Gibson.
 Margaret W. Mann, Swanquarter.
 Otho G. Turbyfill, Huntersville.

OHIO.

Charles J. Quelette, Shepard.

PENNSYLVANIA.

Frank Clancy, Conneautville.
 Joseph L. Infield, Fredonia.
 Katharyn McClellan, Marienville.
 Edward F. Poist, McSherrystown.

SOUTH DAKOTA.

William McFarland, Dell Rapids.
 Mary A. Pike, Tyndall.

TEXAS.

Carrie M. Brooks, McCaulley.
 Frank Farrington, Diboll.
 A. W. Melton, Bellevue.

VIRGINIA.

Benjamin W. Council, Holland.
 George E. Honts, Eagle Rock.
 John L. T. Speed, Gordonsville.
 John A. Whitelaw, Monterey.

WASHINGTON.

Oscar W. Behrmann, Fairfield.
 Richard Nagle, Marcus.

HOUSE OF REPRESENTATIVES.

MONDAY, January 8, 1917.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Imbue us plenteously, O Lord God of Hosts, with heavenly gifts, that we may control our thoughts, direct our ways, and possess our souls in patience through the deliberations of this, another congressional day, and accord to others here and elsewhere the same rights we desire for ourselves with perfect urbanity; that the genius of our Republic may be fulfilled, and peace and happiness may obtain throughout our borders, now and forevermore. In the spirit of the Master, amen.

The Journal of the proceedings of Saturday, January 6, 1917, was read and approved.

JOINT COMMITTEE TO INVESTIGATE RAILROAD LEGISLATION.

Mr. ADAMSON rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. ADAMSON. I desire to ask unanimous consent for the present consideration of Senate joint resolution 190, reported from the Committee on Interstate and Foreign Commerce, entitled "Joint resolution to continue and extend the time for making report of the joint subcommittee appointed under a joint

resolution entitled 'Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee,' approved July 20, 1916, and providing for the filling of vacancies in said subcommittee."

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of Senate joint resolution 190. Is there objection?

Mr. MADDEN. Reserving the right to object, Mr. Speaker, I would like to know what the resolution provides.

Mr. RAYBURN. I object, Mr. Speaker.

The SPEAKER. The gentleman from Texas objects.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed joint resolution and bill of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 191. Joint resolution authorizing the Postmaster General to provide the postmaster at St. Paul, Minn., with a special canceling die for the winter sports carnival of that city; and

S. 7556. An act to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge and approaches thereto across the Mahoning River, near the borough of Lowellville, in the county of Mahoning and State of Ohio.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 191. Joint resolution authorizing the Postmaster General to provide the postmaster at St. Paul, Minn., with a special canceling die for the winter sports carnival of that city; to the Committee on the Post Office and Post Roads.

SENATE BILL REFERRED.

An act (S. 7556) to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge and approaches thereto across the Mahoning River, near the borough of Lowellville, in the county of Mahoning and State of Ohio; to the Committee on Interstate and Foreign Commerce.

LEAVE TO PRINT.

Mr. SHERWOOD rose.

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. SHERWOOD. To ask unanimous consent to insert in the Record an editorial from the Ohio State Journal 3 inches in length and an eight-line editorial from the State Journal, of Topeka, Kans.

The SPEAKER. The gentleman from Ohio asks unanimous consent to insert in the Record a couple of editorials, one from a Topeka (Kans.) paper and the other from a Columbus (Ohio) paper. Is there objection?

There was no objection.

Following are the editorials referred to:

[Editorial from Ohio State Journal, Jan. 1, 1917.]

ON ANOTHER'S BEAT.

In reference to the testimony of Gen. Scott, Chief of Staff, before the Senate committee, in which he said this country needed 3,000,000 trained men to be ready for future wars, the thoughtful and dignified New Republic said of the general: "He may be a good soldier, but he should be forbidden in the future to disclose in public the mischievous folly of his political opinions." And, further, that paper adds, "Let us thank God we are still governed by civilians." The same remark might refer to Gen. Wood, who makes every effort possible to appear as a statesman when his business is entirely foreign to that. As soon as a general goes to dabbling in politics he should be court-martialed. It is hard for some people to discriminate on matters of this kind, but the difference is as wide as a river. A general deals with army formation and drill, and not with legislation and policies, and he should be taught the distinction at West Point.

[From the Topeka (Kans.) State Journal.]

NOT THE MILITIA.

One might almost suppose Gens. Wood and Scott, who testify so glibly to the failure of the militia, never heard that it was the Thirtieth Regular Cavalry that Villa caught asleep at Columbus, N. Mex. Neither was it militia officers that led the troopers of the Tenth Cavalry into the ambush at Carrizal.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill.

The SPEAKER. The gentleman from South Carolina moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from New York [Mr. CONRY] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, with Mr. CONRY in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

Salaries, Bureau of Markets: One chief of bureau, \$5,000; 1 chief clerk, \$2,000; 1 administrative assistant, \$2,500; 1 administrative assistant, \$1,980; 5 clerks, class 4; 10 clerks, class 3; 15 clerks, class 2; 1 clerk, \$1,380; 1 clerk, \$1,320; 29 clerks, class 1; 1 clerk, \$1,140; 2 clerks, at \$1,100 each; 30 clerks, at \$1,000 each; 3 clerks, at \$1,080 each; 2 clerks, at \$1,020 each; 20 clerks, at \$900 each; 3 clerks, at \$840 each; 2 clerks, at \$720 each; 1 mechanical assistant, \$1,800; 1 mechanical assistant, \$1,380; 1 laboratory helper, \$900; 3 laboratory aids, at \$900 each; 1 laboratory aid, \$840; 7 laboratory aids, at \$720 each; 2 laboratory aids, at \$600 each; 1 photographer, \$1,400; 1 photographer, \$1,200; one supervising telegrapher, \$1,620; 1 telegraph operator, \$1,400; 2 telegraph operators, at \$1,200 each; 1 telephone operator, \$600; 1 draftsman, \$900; 1 map tracer, \$900; 1 map tracer, \$720; 1 map tracer, \$600; 1 map tracer, \$480; 2 skilled laborers, at \$900 each; 1 laborer, \$720; 2 laborers, at \$660 each; 4 messenger boys or laborers, at \$600 each; 4 messenger boys or laborers, at \$540 each; 10 messenger boys or laborers, at \$480 each; 2 messenger boys, at \$420 each; 1 messenger boy, \$360; 1 charwoman, \$540; 2 charwomen, at \$480 each; 1 charwoman, \$300; 2 charwomen, at \$240 each; in all, \$198,320.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to return to the item on page 64, lines 10 to 13, for the purpose of offering the following amendment, which I send to the Clerk's desk, for information.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to page 64, line 10, for the purpose of offering an amendment.

Mr. LEVER. Reserving the right to object, Mr. Chairman, let us see what it is.

Mr. STAFFORD. I send it to the Clerk's desk to be read for information.

The CHAIRMAN. The Clerk will report the amendment for information.

The Clerk read as follows:

Amend. on page 64, at the end of line 13, by inserting the following: "The Secretary of Agriculture is hereby authorized to enter into contracts for the leasing of modern fireproof buildings for the use of the Department of Agriculture for a period not to exceed five years, renewable at the option of the Government for a period not to exceed five years at annual rentals not to exceed the amount herein appropriated and at a rate per annum per square foot of available floor space not to exceed 34 cents."

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to page 64 for the purpose of offering the amendment as read by the Clerk. Is there objection?

Mr. LEVER. Reserving the right to object, Mr. Chairman, let me suggest to the gentleman from Wisconsin that items of that character are usually carried in what are called "miscellaneous" items, a little further on in the bill, and I do not think it is necessary to return to page 64.

Mr. STAFFORD. I will say to the gentleman that in the legislative, executive, and judicial bill we carry legislation of this character following the item providing for rent, and I think it is proper to insert it right here, because it refers to the amount that is carried in this item, that "he is authorized to enter into contracts to an amount not to exceed the amount herein appropriated." I think it is more appropriate to insert it here than in the item referred to by the gentleman.

Mr. MANN. Where is it appropriate to insert it?

Mr. STAFFORD. On page 64, lines 10 to 13.

Mr. LEVER. Would not my colleague be willing to defer that until my colleague from Mississippi [Mr. CANDLER] looks into it? He is familiar with the details.

Mr. STAFFORD. I am willing to do that. I will withdraw it for the time being, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin temporarily withdraws his amendment. The Clerk will read.

The Clerk read as follows:

For collecting and distributing, by telegraph, mail, and otherwise, timely information on the supply, commercial movement, disposition, and market prices of fruits and vegetables, \$184,740, of which sum \$40,000 shall be immediately available.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the paragraph.

Mr. STAFFORD. Particularly as to that clause which makes the amount of \$40,000 immediately available. Last year we made an appropriation for the work of this bureau of \$136,000, and I rise to ask about the necessity of an additional \$40,000 to be made immediately available.

Mr. LEVER. Mr. Chairman, the gentleman understands that under this item the department is undertaking to furnish information to producers and consumers with respect to the volume of certain perishable products, vegetables, potatoes, and the like. It has come to our attention that the amount recommended last year was not entirely sufficient to enable them to open their work early this spring in time to take care of the movement of some crops, like strawberries and the earlier maturing vegetables, and they thought that to make this amount immediately available would very materially increase the value of that service. It is for that reason that we allowed it.

Mr. COLLIER. Will the gentleman yield?

Mr. LEVER. I yield to the gentleman from Mississippi.

Mr. COLLIER. I want to say that the work done on this line has been attended with the most marked success and is very gratifying.

Mr. LEVER. The information before the committee is that the work under this item has more than justified the hopes of the committee and the hopes of the department itself; and if we can go along conservatively and wisely, without asking the department to do too much, we ought to establish a very splendid piece of machinery for the marketing of these very perishable products.

Mr. STAFFORD. Mr. Chairman, I hardly understand the mathematics of the committee in this and other items, where they make available a large portion of the appropriation for the remainder of the present fiscal year. There has been appropriated for this item \$136,000 for the present fiscal year, and you intend to increase that by this \$40,000 item, making it \$176,000. Subtract the \$40,000 from the total of \$184,000 appropriated in this item, and it will make only \$144,000 available for the next fiscal year. So there will be \$176,000 available for expenditure this fiscal year and only \$144,000 available for expenditure in the next fiscal year.

Mr. LEVER. That is very true. What we are trying to do here, in effect, is practically to change the beginning of the year on this particular item, and we have got to make up for the gap somewhere. Does the gentleman catch my point? For example, we have found that in the appropriation of the amount carried in the current law we have not enough money available for taking advantage of the movement of these perishables early in the spring. Therefore it is in a degree a deficiency; but if we appropriate \$40,000 and make it immediately available, that will carry us next year to the same point, and we shall begin there and will not need any deficiency appropriation for the next year. We are trying to get this appropriation so that it will cover the entire year. As it is now, there is a gap somewhere that we are trying to fill up.

Mr. STAFFORD. That is certainly novel and may be explicable to the wonderful intellect of the gentleman from South Carolina, but it is rather dark and vague and hidden to me.

Mr. LEVER. Perhaps I have not made myself entirely clear.

Mr. STAFFORD. Mr. Chairman, as there is another committee that has jurisdiction over deficiency appropriations, I feel constrained to make the point of order to the language in lines 6 and 7—

Of which sum \$40,000 shall be immediately available.

Mr. LEVER. I concede the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of Agriculture to gather from stockmen, live-stock associations, State live-stock and agricultural boards, common carriers, stockyards, commission firms, live-stock exchanges, slaughtering and meat-packing companies, and others information relative to the number of different classes and grades of marketable live stock, especially cattle, hogs, and sheep in the principal live-stock feeding districts and growing sections; prices, receipts, and shipments of the different classes and grades of cattle, hogs, and sheep at live-stock market centers; prices of meats and meat food products and the amounts of such products in storage; to compile and publish such information at such frequent intervals as most effectively to guide producers, consumers, and distributors in the sale and purchase of live stock, meats, and other animal products; and to gather and publish any related information pertaining to marketing and distribution of live stock, meats, and animal by-products, the sum of \$66,800.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MANN: Amend, on page 75, after line 25, by inserting as a new paragraph the following:

"To make investigation relating to the production, transportation, storage, preparation, marketing, manufacture, and distribution of agri-

cultural food products, including the extent, manner, and methods of any manipulation of the markets or control of the visible supply of such food products, or any of them, by any individuals, groups, associations, combinations, or corporations, \$50,000."

Mr. LEVER. I reserve a point of order on that. Does the gentleman from Illinois offer it as a new paragraph?

Mr. MANN. As a new paragraph.

Mr. LEVER. I should like to hear the gentleman's statement on that, please.

Mr. MANN. Mr. Chairman, I think there is a general desire that there shall be an investigation along these lines. I think the Bureau of Markets of the Agricultural Department is qualified to make it more economically and more efficiently than any other bureau or branch of the Government service. It is right in line with the work that that bureau is doing.

Mr. STAFFORD. Is it the gentleman's idea that this investigational work as to the monopolizing of the market by cornering foodstuffs can be better undertaken by the Department of Agriculture than by the Department of Justice? I suppose we are all in sympathy with the main purpose of the gentleman's amendment, and perhaps if we can not get the fullest results from the Department of Justice there can be no objection to investing authority in the Department of Agriculture, if any good can result from the investigation of the hold-up of commodities.

Mr. MANN. Of course the Bureau of Markets is best qualified to make the examination and investigation. If it should obtain information which ought to be turned over to the Department of Justice, I take it that would be done.

Mr. DOWELL. I desire to inquire of the gentleman from Illinois if with this further investigation it will be necessary to increase this appropriation?

Mr. MANN. I have provided for an appropriation of \$50,000.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MOORE of Pennsylvania. It has been a long time coming, but is it not a fact that the Department of Justice has begun an investigation into the high cost of living?

Mr. MANN. I do not know. I suppose they are continually making some investigations in the Department of Justice, but the Bureau of Markets are dealing with these questions all the time, and can more easily obtain the information than anyone else.

Mr. LEVER. Mr. Chairman, there is so much confusion around me that I can not hear a word of what gentlemen are saying, and this is a very important matter.

The CHAIRMAN. The committee will be in order.

Mr. MOORE of Pennsylvania. This is a very important matter. If I am not mistaken, the district attorney at Boston has been assigned by the Attorney General to make an inquiry as to the reason for the high cost of living, and he has submitted a report—perhaps a partial report—indicating that delays in shipment are very largely accountable for the increase in the cost of living, and that the holding up of cars in particular has much to do with the increase in the price of coal and much to do also with the increase in the price of foodstuffs that are held in cars.

Mr. MANN. I have no doubt that that is the case.

Mr. MOORE of Pennsylvania. The gentleman's idea is that there should be an independent inquiry in the Department of Agriculture through the Bureau of Markets, which may lead to information that may be transmitted to the Attorney General if it is found to come within the purview of that department?

Mr. MANN. Well, if there is manipulation, yes; but the Bureau of Markets is qualified to make an investigation along the lines that it is now pursuing, not only to ascertain whether there should be a criminal prosecution but also to ascertain how to remove the evils that now exist that add very much to the cost of living.

Mr. MOORE of Pennsylvania. I am in sympathy with the gentleman's purpose, except that it occurs to me that if another investigation is to be had without any compelling power, in the event of anything being discovered as to the cause of the high cost of living, we would be duplicating work and getting nowhere.

Mr. TOWNER. Will the gentleman from Illinois allow a suggestion?

Mr. MANN. Certainly.

Mr. TOWNER. I want to make the suggestion that the investigation being made by the Department of Justice is limited in two regards: First, to an investigation as to whether or not the law already in existence has been violated, and, second, the question as to whether the law has been violated in a particular place under the jurisdiction of some particular district attorney in some city. The investigations that are made by the Department of Agriculture will be general in their nature, and it will recommend, if necessary, whether or not new law may not be

required or amendments to the existing law. An investigation will not be limited to a particular locality, but extended to all principal markets in the United States. In my judgment it is very important that the Department of Agriculture should make the investigation.

Mr. LEVER. Let me inquire of the gentleman from Illinois if he regards this proposition as likely to be a continuing appropriation—that is, for more than one or two years?

Mr. MANN. I do not know how long it would take.

Mr. LEVER. It would take 12 months at least, or 2 years, because the gentleman's proposition involves a broad inquiry into the economics of the situation.

Mr. MANN. In bringing the production to the consumption in the most economical manner.

Mr. DOWELL. Mr. Chairman, there has been a great deal of complaint about the shortage of car service. Does the gentleman from Illinois construe his amendment to hold that the department shall go into an investigation of that subject and ascertain the cause and recommend a remedy for the shortage of car service?

Mr. MANN. Probably not; but still they might make suggestions as to the shortage of car service in certain matters. Of course, the Interstate Commerce Commission has jurisdiction with reference to the shortage of car service. The Bureau of Markets now makes recommendation in order to supply the market at particular places and particular seasons as to the transportation of commodities, and it is doing effective service.

Mr. LEVER. Mr. Chairman, after consulting with my colleagues on the committee, I shall not make the point of order.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order. If there be anything that is overdone, it is investigations. The Department of Justice, the health officials in the State of Illinois, and in Chicago are making investigations, the State authorities in Massachusetts are making investigations, the municipal authorities in New York are making investigations. It is provided in a resolution that has been reported from the Judiciary Committee that the Federal Trade Commission shall conduct an investigation, to take 18 months, at a cost of \$142,000.

I saw recently a statement made by Mr. Barnes, a member of Parliament, on the 17th day of October, in a debate on the high cost of food in Great Britain. He made the statement that nothing had so angered the people of Great Britain during the past two years as the profit made from foodstuffs consumed by the people except it was the shameless excuses put forth for it by officials of the Government. I believe that statement applies to the situation in this country, except that I would add that nothing has angered them so much as the profit made on foodstuffs except the excuses offered by officials of the Government, and the apparent absolute incapacity and inability of any instrumentality of the Government to cope with the situation.

I have watched the result of numerous investigations conducted by various services by the Federal Government. Ninety-nine per cent of them have resulted in a waste of the expenditure, and without the accomplishment of any beneficial result. I am unwilling to be put in the attitude of saying that the only thing Congress can do for the relief of the present condition is to authorize somebody to conduct an investigation.

There are a number of well-known causes for existing conditions that can be relieved by legislation. I believe that instead of investigating we ought to act, and act in an emphatic manner. I shall not consent to authorize the Bureau of Markets to start with an initial appropriation, an annual expenditure of \$50,000, to make an investigation that will never end and will continually grow without any beneficial results from the expenditure.

Mr. MANN. Mr. Chairman, I agree with very much that the gentleman from New York has said, but this is a practical method; for the Bureau of Markets can practically aid in economizing in the movement of the food products from the producer to the consumer; not merely for criminal prosecution but giving practical aid. I think anyone must know, and all of those who are engaged in business will admit, that there is a very great lack of economy in the handling and passage of food products from the farm to the home consumption. The very purpose of this is to be a practical and not merely a theoretical investigation.

Mr. FITZGERALD. Why can not some department make some inquiry and some recommendation without large additional expenditures of money?

Mr. MANN. The Bureau of Markets is doing a lot of good work.

Mr. FITZGERALD. They have the organization, they have the equipment, but whenever it is suggested that they can serve or give aid in any way, they always press the necessity of being

permitted to spend a lot of money. They ought to be familiar with conditions in this country about production and the marketing of foodstuffs, and if they have information of value they ought to be able to make a recommendation without the appropriation of \$50,000, which I know from my experience will grow into an exceedingly large appropriation without any possible benefit as the result of it.

Mr. MANN. I think there will be very great compensating benefits. Does the gentleman make the point of order?

Mr. FITZGERALD. I make the point of order; yes.

Mr. MANN. I do not think the amendment is subject to the point of order, Mr. Chairman. Under the act creating the Department of Agriculture there are authorized appropriations for any matter relating to agriculture or horticulture, in the broadest sense. That covers transportation of the agricultural products. All the items in this bill have been held in order under that provision of the organic act.

Mr. FITZGERALD. Every amendment proposed to the Agricultural bill is not in order. In order to have this amendment held in order the gentleman must submit the law authorizing the expenditure for the work.

Mr. MANN. Oh, no; not at all. The law authorizing the expenditure for work—

Mr. FITZGERALD. Oh, yes; the burden is upon the gentleman proposing the amendment to produce the law which authorizes the expenditure.

Mr. MANN. I have produced the law.

Mr. FITZGERALD. My recollection of the organic act of the Department of Agriculture is that it does not in any way, construing it in the most liberal manner, justify any such expenditure as the proposed one. This is not in the interest of agriculture or of horticulture. It is not intended to be in the interest of either. The purpose is to make investigations upon the theory that the Bureau of Markets in some way could propose a remedy for existing high prices of foodstuffs. That does not promote agriculture. You do not promote agriculture by trying to reduce the cost of farm commodities.

Mr. MANN. Of course, the gentleman from New York is not to be blamed for not knowing what agriculture is, because he is not acquainted with it.

Mr. FITZGERALD. Oh, there are as many farms in New York City as there are in Chicago.

Mr. MANN. We raise agricultural products in the city of Chicago.

Mr. FITZGERALD. So we do in the city of New York. We are just as progressive and up to date as the gentleman's city. I know the gentleman's solicitude for the Department of Agriculture. Yet there is a limit to what even a friend of the department should do. No one in the department has ever suggested that there could be any profitable result from such an investigation as this. The Department of Agriculture has never overlooked any possible manner in which money might be expended through it, and it did not request this appropriation. We have to stop somewhere. The estimates of the departments this year are \$300,000,000 in excess of the estimated revenues, and without any suggestion or request, and for an object that is purely supposititious as to its benefits, it is now suggested that we initiate expenditures in this direction. If we do not call a halt, there will be no way of ever accomplishing anything in the way of making the revenues meet the expenditures.

Mr. TOWNER. Mr. Chairman, I would like to make an observation regarding the point of order. It occurs to me that it does not require a very strained construction of the organic law to include the language of this proposed amendment. I think it may be considered as being self-evident that a food product in its inception and origin is agricultural. I think the chairman knows that nearly all of the items, at least the general items that are now included in the Agricultural appropriation bill, have come into the bill by rulings from the Chair upon the same class of objections as that now made by the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Oh, no. When I make them they are sustained.

Mr. TOWNER. All of them have been practically admitted as being within the general provisions of the organic law. I think even the gentleman from New York [Mr. FITZGERALD], whose knowledge of agriculture has been derived from what he has learned from other agriculturists here in the House, would admit that a food product was immediately connected with the subject of agriculture. Although his idea is that the only possible remedy with regard to the high prices of food products is an embargo upon them, I want to call the gentleman's attention to the fact that even the good people of the city of New York are paying, and have been paying for years,

100 per cent more for the food products they receive than the farmers are receiving for the food products on the farm.

Mr. FITZGERALD. The gentleman will permit me to say that I am not only aware of that fact, but the gentleman has not kept up with the progress of events or he would know that the embargo is not the only remedy I have suggested. I have suggested several other equally effective and beneficial remedies.

Mr. TOWNER. The whole question of food products is an agricultural question, pure and simple, in its inception.

Mr. FITZGERALD. Does the gentleman say that canned fish is an agricultural proposition? That is a food product.

Mr. TOWNER. Yes; I presume that is an exception. It must be clear to the Chairman, I think, that this comes under the general provisions of the organic act so clearly that the point of order that the gentleman from New York raises ought to be overruled.

Mr. BORLAND. Mr. Chairman, the argument of the gentleman from Iowa [Mr. TOWNER] has been made frequently before when the agricultural bill has been under discussion, and some amendment has been proposed to engage in some very large and remotely connected activity. It is always argued that the Agricultural Department covers in a very broad way every possible phase relating to the production and marketing of foods. That argument can be made just as broad as the entire field of human endeavor. The Chairman has universally ruled that the fact that the food had to be produced, marketed, transported, and sold did not give the Agricultural Department the right to decide on everything relating to the production of food, which would include all land titles, land values, and land settlement in the country, everything relating to transportation, which would include all interstate commerce, everything relating to manufacture, and everything relating to the retail business, and possibly banking. There is no limit to the number of activities that gentlemen can bring under the organic act creating the Agricultural Department. They could bring all kinds of activity in which the country is engaged, and so the Chairman has universally limited it to the proximate and direct activities of the department. The purpose of this amendment is to conduct an investigation along lines which have been already proposed, which have been before the Judiciary Committee, which have been reported on in this House, which are now pending on the calendar, and that investigation is committed directly to the Federal Trade Commission.

When this question was before the Committee on the Judiciary the question arose whether it should be done by the Agriculture Department or whether it should be done by the Federal Trade Commission. I want to read for the information of the committee a letter from the Secretary of Agriculture on that point.

Mr. MANN. Is this in regard to the point of order?

Mr. BORLAND. Yes; this relates to the point of order on the question as to whether the amendment does not broaden the organic act beyond its original scope.

DEPARTMENT OF AGRICULTURE,
Washington, July 6, 1916.

Hon. W. P. BORLAND,
House of Representatives.

DEAR MR. BORLAND: You asked me yesterday whether I thought that the inquiry proposed in your resolution should be conducted by the Federal Trade Commission or the Department of Agriculture. I am very definitely of the opinion that it should be conducted by the Federal Trade Commission. I understand that the commission is created to make just such inquiries—

Now, evidently Congress did not intend to duplicate the authority. It created a commission to make such inquiries, and certainly there is a definite limitation on its powers.

It has the requisite powers and, I imagine, a personnel selected with reference to work of this kind. The Department of Agriculture has not all the powers required for this work or a staff selected with reference to such tasks. If it were to undertake work of this kind, it would necessarily duplicate the machinery and activities of the Federal Trade Commission. The department can and is increasingly investigating the marketing and other economic problems involved in the production and distribution of all farm products, including live stock. Its data can well be placed at the disposal of the Federal Trade Commission, and perhaps we could extend our inquiry along other lines the commission might suggest.

Very truly, yours,

D. F. HOUSTON, Secretary.

Now, the Secretary of Agriculture had a very definite idea on the subject, and as Congress had created the commission with its proper powers, with proper machinery, it, ipse dixit, resulted in a limitation of the otherwise very vague powers that might be attributed to the Department of Agriculture. But, as I say, the complete answer to the gentleman from Iowa [Mr. TOWNER] is that there is no inquiry on earth that he could not bring to bear under the powers of the Department of Agriculture by such an argument. He could bring an inquiry into the present railroad situation under such an interpretation of its powers, and so it must appear to the Chairman that there is a reasonable

limitation of the general words involved in the organic law relating to the Department of Agriculture.

Mr. LEVER. Mr. Chairman, it is more or less immaterial to me what branch of the Government service shall conduct the investigation proposed in the amendment of the gentleman from Illinois [Mr. MANN]. I am interested, however, that some investigation shall be made. At this moment, however, I am more interested in the correct attitude of the Chair on this proposition, for the reason that an erroneous interpretation of the authority of the Department of Agriculture might in the future very materially hamper the development of that great department along the best lines of endeavor. If the Chairman will examine the language which he has before him creating the Department of Agriculture he will observe that the department is created for the purpose of investigating all problems of agriculture, and then the language follows, "agriculture in its broadest and most comprehensive sense." One of the interesting studies that has come to me in my service on the Committee on Agriculture has been the evolution that has taken place in the agriculture of this country. Not only that, but an equally interesting study has been that of the evolution of the rulings of the Chair itself upon the Agriculture appropriation bill. When I first became a member of the Committee on Agriculture I think the Chair would have then held that two-thirds of the items carried in this bill were subject to points of order. Within the past five or six years at least, the Chairmen of the Committee of the Whole have been becoming more and more liberal in their interpretation of the meaning of the organic act creating the Department of Agriculture.

If the Chair will give me its attention for just a moment I want to impress this thought upon the Chair. Agriculture 50 years ago meant one thing; agriculture 25 years ago meant another thing; agriculture to-day means an entirely different thing. If 50 years ago it had been suggested that the marketing of farm products was an agricultural problem you could have gotten very few men to agree to that proposition. Now, every student of agriculture realizes that probably the most important problem of agriculture is that of the distributing of agricultural products. We have evolved in our definition of agriculture from the occupation of producing things to the occupation not only of producing things but of distributing them, and even financing them, and I wish the Chair, in giving its decision upon this proposition, to bear in mind that agriculture does not necessarily confine itself to producing things. Agriculture goes further and concerns itself with distributing things, with marketing things, with getting things produced into the channels of trade, into the channels of consumption. Not only that, but it goes further and concerns itself with the proper financing of things produced and the proper financing of the production itself.

I make that statement because I feel I owe it to the committee of which I am chairman and also to the progress of the Department of Agriculture, which can be very greatly retarded by any restrictive interpretations put upon the language of the organic act by gentlemen who may be serving as Chairmen of the Committee of the Whole.

Mr. FITZGERALD. Mr. Chairman, under the theory of the gentleman from South Carolina anything that anyone suggests as applicable to agriculture must be held in order upon the Agricultural appropriation bill; otherwise the activities of the department some time in the future may be restricted. This proposed amendment provides for an investigation of certain things, including the extent and manner in which prices are manipulated, either by individuals, groups, associations, or combinations. Granting to the definition of agriculture in its most comprehensive state the most extravagant and wild notions that any gentleman might suggest, he will not be willing, I take it, to insist that agriculture consists in an investigation of the activities of any group of individuals or any combination of corporations or the activities of any produce exchange affecting the prices of foodstuffs. If any such construction be placed upon the organic act or the activities of the Department of Agriculture under the organic act, then there is no department of government, there is no activity of human effort that can not be provided for on the Agricultural bill, because in some way or other indirectly, remote, or purely imaginary it must affect agriculture as defined by the gentleman. I think it is very clear that even the wildest, most extravagant conception of what agriculture in its most comprehensive sense means does not include such an investigation as is proposed in the pending amendment. I submit that it is subject to the point of order which has been interposed.

Mr. MANN. Mr. Chairman, from time to time a point of order has been made on a very large portion of the items carried

in the Agricultural appropriation bill, and almost invariably the Chair has overruled the point of order and sustained these items under the broad language of the organic act. By examining the act the Chair will notice most of the items in the Agricultural bill will be subject to a point of order if this amendment is subject to a point of order. Take the item just preceding, and if the amendment which I offered is subject to a point of order that item is clearly subject to a point of order. Take the item succeeding, and if the amendment which I have offered is subject to a point of order, then the item in reference to investigating, demonstrating, and promoting the use of standards for the different grades, qualities, and conditions of cotton and for investigating the ginning, grading, stapling, baling, marketing, compressing, and the tare of cotton and for testing the waste, tensile strengths, and bleaching qualities of the different grades and classes of cotton is clearly subject to a point of order. The next item would be subject to a point of order; the next item would be subject to a point of order; the next item would be subject to a point of order.

Now, the Chair in the past has held that it was in order to offer an amendment, or that the item in the bill was in order, which dealt with agriculture and horticulture in their broadest sense; and in their broadest sense they cover the movement of the crops. That is all that this amendment contemplates.

The CHAIRMAN. The organic act under which the Department of Agriculture was established has been very liberally construed, and the act—section 520—reads as follows:

There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word.

Now, this amendment carrying out the idea contemplated in that section of the act simply adds, in a reasonable manner, to the scope which is referred to as to the source and use of information. And the Chair thinks, taking that view of the situation, this amendment is clearly in order, and overrules the point of order.

The question is on agreeing to the amendment.

Mr. BORLAND. Mr. Chairman, I would like to be heard in opposition to the amendment.

The CHAIRMAN. The gentleman from Missouri is recognized in opposition to the amendment.

Mr. LEVER. Mr. Chairman, I wonder if we could not arrange for a limit of debate on this amendment?

Mr. SUMNERS. Mr. Chairman, I want to oppose the amendment.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto shall close in 30 minutes. The gentleman from Illinois [Mr. MANN] desires five minutes in support of his amendment, the gentleman from Missouri [Mr. BORLAND] five minutes, the gentleman from Texas [Mr. SUMNERS] desires five minutes, the gentleman from New York [Mr. FITZGERALD] five minutes, the gentleman from Missouri [Mr. RUBEY] five minutes, the gentleman from Tennessee [Mr. AUSTIN] five, and the chairman of the committee might want five. I would ask to make it 35 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto shall close in 35 minutes, the time to be distributed as he has specified. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I wish to say that I rose at the time, but did not catch the eye of the Chairman. I would like five minutes if the gentleman from South Carolina [Mr. LEVER] will consent.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] would like to have five minutes.

Mr. MOORE of Pennsylvania. I tried to get the attention of the gentleman.

Mr. LEVER. I beg the gentleman's pardon.

Mr. MOORE of Pennsylvania. I tried to get the attention of the gentleman from South Carolina when he was making the arrangement. I ask for five minutes.

Mr. LEVER. I have no objection to making it 40 minutes.

The CHAIRMAN. Without objection, the time will be changed to 40 minutes.

Mr. FARR. I think we had best make it an hour.

Mr. BORLAND. Make it an hour, and you will have some time left.

Mr. LEVER. Mr. Chairman, in order that there may be no undue limitation of the debate on a matter of this importance I ask unanimous consent that all debate on this paragraph be closed in one hour.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent that all debate on this paragraph and the amendments thereto close in one hour.

Mr. DOWELL. May I inquire if I may have three minutes out of the hour?

Mr. LEVER. The gentleman from Iowa may have three minutes. We will include him in the request.

The CHAIRMAN. The Chair hears no objection. The gentleman from Missouri [Mr. BORLAND] is recognized for five minutes.

Mr. FARR. Mr. Chairman, I ask unanimous consent to have the amendment again read.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The amendment was again read.

Mr. BORLAND. Mr. Chairman, the great vice of this amendment is that it does not go far enough to do any good and is a waste of time, effort, and money in attempting to do what it, on its face, can not do. If the amendment accomplished or could accomplish what it was expected, and on its face purported, to accomplish, it might be worth the money; but under existing circumstances it is a waste of money and, moreover, is dangerous in its tendency to head off an efficient investigation.

But I say it is designed not for the purpose of conducting an investigation such as the public demands but for the very purpose of sidetracking and making impossible the real investigation needed in the premises. There is not a bit of doubt upon that proposition. I am going to put it so clearly that every man in this House who votes on the proposition will know that if he votes "aye" on this resolution he is voting against any real investigation of the subject.

We introduced a resolution—the gentleman from Kansas [Mr. DOOLITTLE] and myself—nearly a year ago in regard to the marketing of live stock. We have had hearings before the Committee on the Judiciary, and at those hearings the representatives of the packing houses and all their high-priced attorneys appeared and defended. A year ago, in October, 1915, there was a hearing of the Bureau of Markets in Chicago, designed to conduct an investigation such as that provided for in the Mann amendment. They had full power to do it, and did it without any Mann amendment. They could not get anybody to appear at such an investigation except voluntarily, and the representatives of the packing houses of Chicago snapped their fingers at that kind of an investigation.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BORLAND. I wish I had the time to yield, but I have not. The men who were guilty refused to disclose the evidence. Then we came to the conclusion that an investigation by the Bureau of Markets was not a terror to the evildoers, and the Secretary of Agriculture agreed with us in that position, and we went before the Committee on the Judiciary and asked for an investigation by the Federal Trade Commission. Why? Because the Federal Trade Commission has power to subpoena witnesses and compel them to testify.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Mississippi?

Mr. BORLAND. I wish I could, but I can not. There is the whole crux of the situation. You are to have a choice between an investigation by a body that has the power to compel the production of testimony and a department of the Government that has no such power.

Now, mark me: When we were making this battle before the Committee on the Judiciary every packing-house manager and every packing-house attorney was urging a resolution similar to the Mann amendment, and we were fighting it. The whole issue between the farmers and the stock raisers on one side and the packing houses on the other was whether there should be a compulsory production of evidence.

Now, mark you: The Mann amendment does not and will not and can not provide for anything but voluntary testimony. Nobody is afraid of that amendment. Every packing-house attorney in the land will support the Mann amendment. Let no man make a mistake on that subject. Every man who is opposed to an investigation of the manipulation of prices will support the Mann amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Chairman, I wanted to ask unanimous consent—I do not know what the scope of the order is—to have unanimous consent to read at this time the resolution finally reported by the Committee on the Judiciary, which it is attempted to displace by this proposed amendment.

The CHAIRMAN. Without objection, the resolution will be read.

Mr. LEVER. Mr. Chairman, reserving the right to object, let it be known that this comes out of the hour or not. I am not willing to extend the debate.

The CHAIRMAN. Is there objection?

Mr. LEVER. I have no objection, provided it comes out of the hour.

The CHAIRMAN. The Clerk will read the resolution.

The Clerk read as follows:

Resolution (H. Res. 389) directing the Federal Trade Commission to investigate and report to the House of Representatives the facts relating to the production, marketing, and distribution of food products in the United States, together with any violations of the antitrust laws in connection therewith, and recommendations for greater economy and efficiency in the marketing of food products and the punishment and prevention of extortion in the prices thereof.

Whereas an adequate and wholesome supply of food products at reasonable prices is vital to the life of the Nation and is becoming more important year by year as the number of citizens engaged in industrial pursuits increases, thereby enlarging the number of the consumers at a greater ratio than the number of producers; and

Whereas the scale of wages paid for labor of all classes is to be measured not in dollars and cents but in the purchasing power of such wages in the commodities necessary for comfortable existence; and

Whereas there has been a large and growing demand for all classes of American products, including food products, growing out of the war in Europe with its destruction and demoralization of the ordinary processes of peace and its unprecedented demand for commissary supplies for vast armies in the field; and

Whereas the problem of the food supply for the Nation involves the three coordinate elements of, first, production of the raw supply; second, its preparation and transportation for consumption; and, third, its distribution to the consumer, and sound economic laws require that each of these elements be maintained at the highest stage of efficiency which involves a reasonable profit to attract labor and capital to such operations, and involves also a reasonable price to the consumer measured in the standard of the earnings of the industrial worker, and none of these elements can be considered separately without demoralizing the economic system; and

Whereas in the United States we have not yet begun to reach the limit of our efficient production of food products and are capable of infinitely higher efficiency in that direction if a fair, open, and free market could be maintained between those engaged in the production of food products and those who ultimately consume the same: Therefore be it

Resolved, That the Federal Trade Commission be, and it is hereby, directed under the authority of the act entitled "An act to create the Federal Trade Commission, define its powers and duties, and for other purposes," approved September 26, 1914, to investigate and report to the House of Representatives at the earliest moment practicable the basic facts relating to the production, transportation, marketing, manufacture, and distribution of food supplies.

Second. The cause or causes of the present shortage and high prices of the same in view of the tremendous productive capacity of this country.

Third. Whether the apparent shortage of supply and high prices are due to any conspiracy, combination, contract, or practices in restraint of trade on the part of any person, groups, associations, or corporations engaged in any of such processes, and especially whether and what violations of the antitrust laws exist in such processes.

Fourth. The extent, manner, and methods of any manipulation of the markets or control of the visible supply of food products by any individuals, groups, associations, or corporations, and especially those engaged in the slaughtering and marketing of meat products, and also in the storage and distribution of poultry, eggs, butter, and dairy products, fresh fruits and vegetables, wheat and other cereals, and whether there is a joint control by any person, groups, associations, or corporations of the storing, preparation, marketing, and distribution of said products.

Fifth. What, if any, legislation is needed to insure the maximum of profitable production of food products in this country together with the free and open channel of distribution of the same to the wage earners and consumers at prices which shall insure a large and steady supply and be within the purchasing power of fair industrial wages.

Sec. 2. That the President of the United States be, and he is hereby, requested to direct the several departments and bureaus of the United States Government, and in particular the Department of Agriculture, and the Office of Markets and Rural Organization therein, to furnish to the said Federal Trade Commission, upon its request, papers, information, and data in their possession, respectively, relating to any of the matters herein required to be investigated, and to detail from time to time such officials and employees to the commission as it may request for the purposes of conducting said investigation and preparing said report.

The CHAIRMAN. If there is nobody who wants to talk, the Clerk will read.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not know at this time whether I shall vote for or against the so-called Mann amendment, but I do wish to call attention to the fact that the Bureau of Markets, which may be a very useful bureau in the Department of Agriculture, has been recently created, and that in this bill provision is made for it and for the general expenses for various branches of work that it is to conduct, to the extent of \$794,395. We are appropriating here for the first time approximately \$800,000 for the purpose of enabling the Bureau of Markets to disseminate information as between the farmer or the producer and the consumer. That seems to be a very large appropriation for that purpose, since we are just about engaging in that particular line of governmental oversight.

The Mann amendment proposes an appropriation of \$50,000 additional for the purpose of making an investigation into the

high cost of living with respect to its domination by manufacturers, corporations, or otherwise; and my inquiry is, Why is the Bureau of Markets, with \$289,400 appropriated to it, for the specific purpose of "acquiring and diffusing among the people necessary useful information upon subjects connected with the marketing and diffusion of nonmanufactured food products, and so forth, not already sufficiently provided with money to make this \$50,000 investigation, more especially as the Department of Justice, after a long agitation for action on the part of some of the Government departments, has finally undertaken an inquiry on its own account and has published at least several reports with respect to the causes of the high cost of living?

If you will take this bill, pages 74, 75, 76, and a part of 77, covering the appropriations to the Bureau of Markets, you will observe that we are providing for a great variety of kinds of information to be acquired by "experts" to be given to the people on this very question of the high cost of living. What else is the Bureau of Markets for? Why are we providing this \$800,000, approximately, to this bureau? Is it only to give employment to additional men, only to find more "experts" to put upon the Government pay roll, eventually to come forward and ask for a pension for the patriotic services they have rendered the Government? Why another \$50,000 at this time, when this present administration is charged time and time again, not only with the power by law but with appropriations backing up that law to make every possible kind of investigation which the ingenuity of man can invent as to the high cost of living and the various other troubles from which the country suffers at the present time?

We have asked for three or four years why the Department of Justice did not proceed against some of these alleged malefactors of great wealth who are supposed to be responsible for the high cost of living. The gentleman from Missouri [Mr. BORLAND] brought in his resolution, not at this session, but at the last session, asking that some action be taken with regard to the so-called Beef Trust in this country. What efforts have been made by the present administration, what action has been taken by the present administration, looking either to the passage of that resolution or to the exercise of any of the governmental functions under existing law to find out whether the so-called Beef Trust has been putting excessive prices upon the people or not?

The best we have now from the Department of Justice, in consequence of such investigation as it has made, is that the car shortage is responsible for the high cost of living. According to the report of the investigators it is not the war in Europe, but it is the shortage of cars. The Beef Trust is entirely overlooked in any report that we have had up to the present time as to the reason for the increase in the cost of living. There seems to be ample authority to make investigations if the administration will only investigate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, if the Committee on Agriculture had had an opportunity to consider the substance of the amendment proposed by the gentleman from Illinois [Mr. MANN], probably a broader proposition would have been submitted to the committee. But this proposition is now before the committee. It is not as broad and comprehensive in its scope as I would have it, and if I did not know that any very great broadening of the amendment would subject all of it to a point of order I should offer a much broader proposition. But it seems to me that the committee is confronted with a situation which it can not escape considering. The press of the country, the magazines of the country, economic writers, and students of the food situation of the country are all agreed that a situation exists which demands the most careful inquiry on the part of legislators. The proposition of the gentleman from Illinois [Mr. MANN] is to enable the Department of Agriculture, through its machinery already organized, and through additional machinery, if necessary, to investigate the production, transportation, storage, preparation, marketing, manufacture, and distribution of agricultural food products, including the extent, manner, and method of any manipulation of the market or control of the visible supply of such food products, and so forth. Not speaking for the committee, but for myself, I do not feel personally that I am willing to oppose an amendment which undertakes to obtain light on a matter of such supreme importance as the food supply of this Nation at this time.

Mr. HAUGEN. Does the gentleman think that the amendment gives the department any authority beyond what it now has?

Mr. LEVER. I think the department is not given any additional authority, but I do think that the department is given additional direction to do certain things which the department

so far has not felt that it should do without a direction from Congress to do it.

Mr. FITZGERALD. If the gentleman had made that statement when the point of order was under discussion, the point of order must have been sustained, because any attempt to control a department, under the repeated and unbroken rulings of the Chair, is subject to a point of order. Of course, the amendment was clearly subject to a point of order, as the gentleman and myself well know.

Mr. LEVER. If the gentleman will permit me, he will remember that the gentleman from South Carolina did not express any view as to whether this amendment was in order or out of order.

Mr. FITZGERALD. Oh, yes; the gentleman appealed to the Chair to be careful as to how he ruled, not to restrict the activities of the department by an erroneous ruling; and if he had not intended to mislead the Chair, he ought to have told the Chair what he had in his mind.

Mr. LEVER. I was about to say, when I was interrupted the second time, that I am satisfied, after thought on this proposition, that the ruling of the Chair is not out of line with the holdings of Chairmen of the Committee of the Whole on this bill during the last four or five years. The Chair has given a rather liberal interpretation to the organic act creating the Department of Agriculture, but I think not too liberal an interpretation.

Mr. FITZGERALD. It could not be any more liberal.

Mr. HAUGEN. The gentleman will recall the fact that the department has carried on investigations such as are directed in this amendment and that the department reported back to the committee that it was without authority required to successfully carry on the investigation. The danger in passing this amendment seems to be that it will defeat the very purpose sought by the investigation authorized by the Borland resolution. Furthermore it is contrary to the recommendation made by the Secretary of Agriculture and representatives of the beef producers and consumers. Is it not better to leave the question to those interested and who have given the subject due consideration to act upon suggestions made by the Secretary of Agriculture, the producers, and consumers, rather than to adopt suggestions made by those charged with violation of law to the Committee on the Judiciary, as stated by the gentleman from Missouri [Mr. BORLAND]?

Mr. LEVER. I do not know what is the motive back of this proposition. I assume that the motive is to get information upon a subject that is more largely in the public mind to-day than any other proposition I know of, except the European war. I do feel that the Congress and the people of the United States are entitled to such an investigation. As far as I am concerned, I do not care whether it is made by the Department of Agriculture or by the Federal Trade Commission, or whether both of these organizations act at once. If both of these services should conduct separate and independent investigations upon a matter of this great importance, I do not feel that that paralleling of service would be a waste of money, because it seems to me that the time has come for the American people to act, to prevent in the future the doing of things by great concerns with respect to foodstuffs that are now subjecting them to the severe criticism of the public, who think that they are paying the cost. As a legislator I do not hesitate to say that I want the greatest possible light upon this situation, and I want that light pouring in from every possible angle, because as legislators we can not legislate with clearness, with comprehension, with sanity, and with safety, unless we know all the facts. I myself would be very glad to support a resolution, even at this moment, to have the Federal Trade Commission set on foot an independent investigation. I want to know what their experts think. I want to know what the experts of the Department of Agriculture think. I would like to know what the experts of the Department of Justice think. There is no other question that is so pressing as this, and there is no legislation in the future that is going to affect more intimately the lives of the people of this country than that legislation which must come sooner or later, safeguarding the people against manipulation and monopolistic control of the food of the country. As far as I am concerned, I repeat that personally I want light, and too much light is not going to disturb me. The more the better; and the more light, the sooner the legislation and the better the result for the people of the country in the end. That is my personal position.

Mr. HAUGEN. If the gentleman is looking for results, then I take it he will agree with me that the investigation should be carried on by some commission or some body with authority. If so, as has been stated by the gentleman from Missouri [Mr.

BORLAND], the Federal Trade Commission has the power to subpoena witnesses. The Department of Agriculture has no power to subpoena witnesses. As the gentleman knows, the department carried on an investigation, and reported back to the committee that it did not have the necessary authority. It has been carrying on investigations, and it will continue to carry on investigations which under the appropriation it has the authority to carry on, and as the gentleman has stated, the resolution gives the committee no additional authority. It occurs to me, as was pointed out by the gentleman from Missouri, that you are transferring the investigation suggested from a commission with authority to a bureau without the required authority, and thus defeat the more effective investigation.

Mr. FITZGERALD. If the gentleman from South Carolina [Mr. LEVER] is really seeking light, he is taking a very peculiar way of obtaining it. If this amendment be adopted and this additional appropriation be made, it will not be available until the 1st of July, and the investigation can not be initiated for at least six months. The gentleman from South Carolina states that the question is important and pressing at present, but his remedy is to begin an investigation six months from now in order to obtain light upon it; to begin an investigation by a branch of the Government that has no authority to do more than inquire and obtain voluntary statements from the persons whom they are to investigate. The gentleman from South Carolina states that, in his opinion, this proposed amendment gives no additional authority to the Bureau of Markets. The Bureau of Markets, for the purpose of acquiring and diffusing among the people of the United States information on subjects connected with the marketing and distribution of farm and unmanufactured food products, has an appropriation of \$289,400. If it gets no additional authority under this amendment, the only thing the amendment does is to increase the fund available by \$50,000. The bureau has not asked for it. It does not want it. Simply because the gentleman from South Carolina needs light he wants to have it furnished to him from some source or other, and wishes to give the Bureau of Agriculture \$50,000 that it does not want and can not use for any profitable purpose. That is not the purpose of the annual appropriation bill for the Department of Agriculture. The province of this bill is to carry appropriations that are essential for the proper conduct of the business of the Government and not to make futile appropriations that will be of no use whatever.

Mr. Chairman, those who want information upon this subject need not wait for investigations. There have been innumerable investigations conducted by various governmental instrumentalities that fix plainly and clearly some of the causes for many of the evils from which we are suffering. There is some legislation that would meet the approval practically of all Members of this body that could be enacted to meet the existing situation. Of course, those who do not want any action, those who do not wish legislation to relieve existing conditions, may well, perhaps, as an excuse for no action, support a proposition to commence six months from now an investigation of conditions about which there is universal protest at this time. That may serve as a good excuse for doing nothing that will be valuable, and it will be an effective remedy to prevent action that will be beneficial.

Mr. LEVER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. LEVER. I guess the gentleman's complaint at this time is that Congress has not seriously taken his proposition for an embargo on foodstuffs.

Mr. FITZGERALD. Is that a question?

Mr. LEVER. No; that is a statement.

Mr. FITZGERALD. The gentleman took some of my valuable time under false pretenses. [Laughter.] He should not be guilty of such practices. I have not made any such complaint, Mr. Chairman. When I have a grievance about this body or any other department of the Government, I do not rely upon other gentlemen to express it. I have been in the habit of making very clear my attitude toward either the House or any other branch of the Government because of its failures. I have no doubt that some of the things I propose, to those who are uninformed, may seem ineffective, but to those who are familiar with the situation, who do not need this superabundance of light for which the gentleman from South Carolina is praying and hoping and expecting from a very valuable branch of the Government service, this remedy is not so ephemeral as he imagines. I hope the amendment will not be adopted, because I consider it an indefensible waste of the public funds.

Mr. QUIN. Mr. Chairman, I am heartily in favor of the amendment offered by the gentleman from Illinois [Mr. MANN],

and I certainly think the gentleman from Missouri [Mr. BORLAND] was harsh in his statement when he said that those who favored the Mann amendment favored no investigation. For one, I am in favor of the bill of the gentleman from Missouri, but while it is on the calendar we all know that it can not go through without a special rule, and the close of the session is near at hand. We do know that the amendment offered by the gentleman from Illinois will seek to give light to the country and perhaps prevent the manipulations of food supply and monopolistic tendencies to control farm products.

The gentleman from New York introduced a bill here to place an embargo on food products for the purpose of lowering the price of products to the consumer of the United States. I want to say to the gentleman that the farmers have for a long time been looking for just and reasonable prices for their products, and the first time in the history of this country for the last 15 or 20 years when the man behind the plow is receiving fair consideration for his labor, the gentleman from New York, or some other man, hollers out "embargo," to lower the price of farm products. This amendment offered by the gentleman from Illinois is just to the producer of the products of the farm and to the consumers of this country. The gentleman's amendment proposes that no wrong be done anybody, and that the square thing may be done to the man who raises the farm products and the man in the city who consumes them. He proposes that an investigation shall be made by the machinery of the Bureau of Markets to see whether or not there has been an unfair manipulation in storage in the control of beef and all farm products, and that is what this country is entitled to. The people know that something is radically wrong. They know that when the price of a commodity leaves the farm for a reasonable sum that when it advances several hundred per cent by the time it reaches the consumer, something is unfair in the proceeding. The amendment before the House now will establish who that is, and will strike down the instrumentalities that now, under cover of law, are robbing both the producers and consumers. The gentleman from Missouri seems to think that there is no remedy on earth except his bill. We know that his bill may never be passed, and we know that the House of Representatives can now pass this amendment which carries with it the sum of \$50,000, which will enable the Bureau of Markets to carry out an effort to find out what these evils are and to make recommendations for their cure. We realize the fact that the poor in the cities of this country suffer because food is too high. We know at the same time that the man on the farm is not receiving too much for his product, so that some person in the middle, some instrumentality, is guilty of a wrong that squeezes the city consumer and injures the farmer. [Applause.]

Mr. DOOLITTLE. Mr. Chairman and gentlemen of the committee, I have in my hand the hearings conducted by the subcommittee of the Committee on the Judiciary on the Borland resolution, containing 545 pages. In these hearings, and the printed report, is shown conclusively what the packers of the country want, and what the producers, at least a majority of them, and also the consumers of the country prefer in the way of an investigation. The hearings show that the packers, and possibly other food manipulators, are in favor of the Bureau of Markets conducting an investigation, in the face of the fact that the Secretary of Agriculture, Mr. Houston, has stated over his signature in a letter which was read this morning by the gentleman from Missouri [Mr. BORLAND] that the Department of Agriculture was not in a position to make this investigation, and that the Bureau of Markets did not have the facilities, or words to that effect.

Mr. DOWELL. Mr. Chairman, will the gentleman yield for a question?

Mr. DOOLITTLE. Yes.

Mr. DOWELL. When was the resolution of the gentleman from Missouri reported by the Committee on the Judiciary?

Mr. DOOLITTLE. December 21, 1916. Already there has been an attempt to make a sort of investigation by the Bureau of Markets, and the head of that bureau, Mr. Charles J. Brand, held a meeting in Chicago, to which representatives of the packing houses and representatives of beef producers and others were invited. The packing-house people did not appear. They took very little interest in it. The meeting was not satisfactory either to the producers of the country or to the consumers. This meeting was held November 15 and 16, 1915, in the city of Chicago, and was a complete disappointment to all who were connected with it or interested in the subject of an investigation. That was an investigation similar to what could be held under the provisions of the amendment of the gentleman from Illinois [Mr. MANN] if it should prevail, because the Bureau of Markets has no power to issue subpoenas, to compel the produc-

tion of books, or to administer oaths. The packers of the country have insisted that that is the kind of investigation that they want, if there is to be one—that it shall be done by the Bureau of Markets. They are very much opposed, as they have said in their testimony, a copy of which I hold in my hand, to the Federal Trade Commission, which is equipped to make a scientific and intelligent investigation, making such an investigation.

Mr. Fisher, a former member of the Cabinet, the attorney for the American National Live Stock Association and others interested in the cattle business, says in his testimony, which I have here, that they want to employ every legitimate agency for getting at the bottom of the business; that the Bureau of Markets can not make the investigation, and that the same should be made by the Federal Trade Commission—that is, that they propose to have the whole economic matter investigated from the birth of the steer until it is finally consumed. It seems to me that if the amendment of the gentleman from Illinois [Mr. MANN] prevails, that would be tantamount to sidetracking entirely the long efforts that have been put forth by the friends of the producers and consumers in trying to get a real investigation into the high cost of living and the packers' manipulation of live-stock markets.

Mr. SUMNERS. Mr. Chairman, I have spoken very infrequently in this House. Under the five-minute rule I must speak very briefly now. I rise to oppose this amendment for the reason that the first part of the amendment covers matters with regard to which the Bureau of Markets is already dealing, and for which appropriation to the full limit of its estimates is being made in this bill. This is admitted.

The other provision in the amendment is to direct an examination by the Bureau of Markets of the manipulation of prices of farm products. The manipulation of prices, gentlemen understand, is now a violation of the criminal laws of the United States. I want to put it straight to you. If you adopt this amendment you put upon the Bureau of Markets the responsibility of exercising an inquisitorial power with reference to a crime, when you know that the Bureau of Markets does not possess inquisitorial powers. You can not get away from that proposition. The Bureau of Markets can not compel the attendance of witnesses, the production of documents, or even administer oath to those witnesses who voluntarily attend. An investigation by a department of the Government, bereft of the power necessary for an effective investigation, will of necessity be a farce. To my mind, it is palpably ridiculous to authorize the expenditure of the public funds by this bureau for that purpose when we have a Department of Justice and a Trade Commission created for the very purpose of investigating matters of this sort, clothed with the power to subpoena witnesses, to compel the presentation of documents, to administer oath, and to do all those things necessary to make an effective investigation, and to ascertain the real facts.

The Bureau of Markets, gentlemen of the House must know, can find out only the things from those being investigated which they want to have made known. There can be no question about that. There would be just as much practical sense in sending an unarmed private citizen without warrant to receive the surrender of a defiant criminal, to be delivered over to the sheriff, whose duty it is to make the arrest, and who is armed and equipped with process to make it, as to send the Bureau of Markets, without inquisitorial power, to get information to turn over to the Department of Justice, which has full inquisitorial power. This Bureau of Markets is being sent to do this in the very face of the fact that it is within the knowledge of the gentlemen of this committee that when it did undertake to investigate Chicago packing houses the representatives of those houses refused to appear before the representatives of the bureau and refused to give any testimony before them, and the bureau was powerless in the face of that refusal. This bureau, if it makes an investigation, will be compelled to report that it has not been able to find conclusive evidence of criminal manipulation of the price of farm products, and we will be in the attitude of having directed it to make this investigation when we knew in advance that it did not have the power to force a disclosure of the facts of criminal manipulation of the price of farm products even if those facts existed. I am unwilling to place myself in that attitude and I am unwilling to spend the public money in any such farcical undertaking. I am willing to spend any amount of money necessary to support that arm of the Government, the Department of Justice, or the Trade Commission, in the making of a real investigation of this matter and in the prosecution of those who may be found to be guilty. We will get a report back for this \$50,000 and some statistics which will be filed away in a

pigeonhole. I am getting tired of spending the public money gathering statistics which are never used.

The departments of this Government are bursting open now with dead information. There is not an intelligent man in America who has given any investigation and thought to this matter who does not understand, in a general way at least, the big problems with regard to which we must deal when we undertake to lessen the cost of the American table. I make that statement without fear of contradiction. The Bureau of Markets has been digging into this thing for three years, and the head of that bureau knows at this very moment everything that he could know that would help him in his work when he shall have expended the \$50,000 carried by this amendment. What we want of the Bureau of Markets is constructive work, to build a machine that will shorten the distance between the field of production and points of consumption, that will stay the waste in distribution. That is its business. That is what it is equipped to do. It can not trail criminals. Why send it after them when we know that is not its business and it can not catch them? Why, I say, do this if we want to catch the criminals? That is the business of the Department of Justice.

I submit this proposed legislation is as ridiculous as would be a proposition to have the Department of Justice expend a large sum of money investigating the matter of paper containers for farm products shipped for sale when we have a Bureau of Markets organized, equipped, and educated for that very purpose. Why turn aside the efforts of the Bureau of Markets from that which it ought to do and is equipped to do and embarrass it by putting upon it a responsibility which it is not equipped to discharge?

If crime is being committed and we want to apprehend and punish the criminals, why send after the criminals a branch of the Government which does not have to do with criminal prosecutions or the detection of criminals? I am a friend of the Bureau of Markets. It has much to do. It can do much. It has yet to create a clearing house of information where the man who has something to sell can list it by type or grade, and where the man who wants to buy can have access to it, where the man who lives in the remotest producing district of this country can have access to every market, and where the most remote market in this country can have access to every field of production. When we do that and give to the Federal Government the necessary supervisory power to insure to both the producer and the consumer integrity of transaction, then we will substantially reduce the cost of living and will insure a more satisfactory reward to producers.

The building of the machine which will make that possible is the business of the Bureau of Markets, not spending the people's money in undertakings foreign to its business and which not itself but another branch of the Government is equipped to do and charged with the duty of doing.

Mr. DOWELL. Mr. Chairman, that there is some reason for an investigation I think no one has yet questioned or will question. The method of the investigation is the question in controversy. On the other side of the House you have all the machinery, if put in motion, to make the most rigid examination, if you so desire—

Mr. GORDON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Ohio?

Mr. DOWELL. Yes.

Mr. GORDON. Does the gentleman controvert the statement made here that the Bureau of Markets has no authority to send for persons or papers or require anybody to testify?

Mr. DOWELL. I am not questioning that authority.

Mr. GORDON. What good does it do but to spend the money?

Mr. DOWELL. I am simply making the statement that upon that side of the House you have made many claims and you have introduced resolutions to solve the high cost of living, but you have not put into operation a single particle of machinery of the Government to put it into effect. You can pass the Borland resolution in 48 hours if you desire to pass it; but you have made no progress on the subject of passing the resolution, and the House has no knowledge when the resolution will be presented, if at all. The gentleman from New York [Mr. FRIZZGERS] has attempted to solve the problem by introducing a resolution to put an embargo on foodstuffs, but that resolution has never seen the light since it was presented here early in the session. I want to say to you, gentlemen, that this session is fast drawing to a close, and if you are going to do anything on this subject the time to do it is near at hand. So far as I am concerned, I put it up to you, gentlemen. If you want to solve this question, you have the machinery, when put in operation, to solve it, and there is no reason to stand here and

object to any kind of an investigation because you have some other method that is being held behind. I favor some action on this subject. I know the people of the country demand some action, and I believe all of the facts should be brought forth and that Congress should put into operation every force it has in the solution of this problem. I believe it is the duty of you in the majority, who have the machinery and can act, to put some method into effect, and I am sure you will have the approval of the people if you do it. [Applause.]

Mr. RUBEN. Mr. Chairman, I am going to vote for the amendment offered by the gentleman from Illinois [Mr. MANN] and I am also going to vote, if I get an opportunity, for the resolution offered by the gentleman from Missouri, my colleague [Mr. BORLAND], which has been reported from the Committee on the Judiciary. I can not for the life of me see why the putting of this little amendment into this bill will prevent this House at some future day, before the 4th of next March, from passing the Borland resolution. The resolution which has been reported from the Committee on the Judiciary is certainly a resolution that ought to be passed. The investigation ought to be made in that manner, and yet I do not know, no Member of this House knows, whether or not we will have an opportunity to vote for the Borland resolution, and I propose here now to record my vote for this pending amendment notwithstanding the fact that my colleague from Missouri in his enthusiasm characterizes every man who supports it as being opposed to any investigation whatever. He has no right to characterize my vote in that way. I am in favor of every possible means of investigation. I want every bit of information we can get from every source possible along this particular line.

Mr. GORDON. Will the gentleman yield?

Mr. RUBEN. I will.

Mr. GORDON. Other than simply wasting \$50,000, what good will an investigation do made by a bureau which has no power to send for persons or papers or compel anyone to answer? What information will they get that will do anybody any good?

Mr. RUBEN. I will answer by quoting from the resolution introduced by the gentleman from Missouri [Mr. BORLAND], in which the second section provides—

Mr. GORDON. But that is not before the House.

Mr. RUBEN. Well, maybe it will come before the House. That section provides that the Trade Commission shall get every bit of information it can, and it says that it shall get information from the Office of the Bureau of Markets and Rural Organization, and directs that bureau to furnish to the Federal Trade Commission upon its request papers and information and everything which it itself has. If given \$50,000, the Bureau of Markets can go ahead with further investigations, get the information, transmit it to the Federal Trade Commission, and so assist them in their investigation.

I say we ought to agree to this amendment and adopt it as a part of this bill, and then if we get a chance between now and the 1st of March we should take up the Borland resolution and pass it.

Mr. BORLAND. Will my colleague yield before he sits down?

Mr. RUBEN. I will.

Mr. BORLAND. On page 75 of the bill is an item which appeared for the first time last year, giving an appropriation of \$66,800 to enable the Secretary of Agriculture to gather from stockmen, live-stock associations, and so forth, all of this information that is called for now in the Mann resolution. The bill contains an item of \$66,800, which covers the very evidence that the Bureau of Markets can collect, which will aid in the passage of the Borland resolution.

Mr. RUBEN. There is no question but that the information referred to by my friend from Missouri is valuable information, and the department is now, under the provisions of that law which went into effect on the 11th day of August last, working along that particular line. But they can go out and get additional information, and that information will be valuable. The bureau has able and competent men who, if authorized to do so, can get valuable information. They can not, of course, go out—

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!" "Vote!"]

Mr. ANDERSON. Mr. Chairman—

Mr. MANN. How much time is there remaining?

The CHAIRMAN. Five minutes remaining of the hour.

Mr. ANDERSON. I would like to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON. Is it in order to offer an amendment after the expiration of the hour for debate?

Mr. MANN. It is; but it will not be debatable.

The CHAIRMAN. Under the order of the House all debate is closed. The order just extends to the debate on this amendment.

Mr. ANDERSON. Then it will be in order to offer an amendment?

Mr. DAVIS of Texas. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. DAVIS of Texas. Did I understand the debate had expired?

The CHAIRMAN. When the hour agreed to by the committee has expired, all debate on this amendment to this paragraph will be closed.

Mr. DAVIS of Texas. Mr. Chairman, I was on my feet trying to get recognition from the Chair.

The CHAIRMAN. The Chair has recognized the gentleman from Tennessee [Mr. AUSTIN]. The time has been allotted.

Mr. DAVIS of Texas. The time has been allotted?

The CHAIRMAN. Yes. The gentleman from Tennessee [Mr. AUSTIN] is recognized.

Mr. AUSTIN. Mr. Chairman, I have always voted against investigations and the creation of commissions for the purpose of conducting investigations. I think the statement of the chairman of the Committee on Appropriations, the gentleman from New York [Mr. FITZGERALD], a few minutes ago, vindicates my position during the past six years on these various investigations. The gentleman from New York stated that of the thousands of dollars expended for investigations 90 per cent of the amount was wasted—did no good. A commission is a good thing for those on the commission who draw the salaries. An investigation seldom, if ever, benefits anybody else. The American people favored the restriction of immigration. There was practically no difference of opinion as to the necessity for that legislation, but in order to postpone action Congress created a commission which lasted year after year, and in the end cost \$1,000,000, and the publication of 30 or 40 volumes of testimony which nobody read. Congress knew in advance that the legislation was in the interests of the country, and yet wasted year after year and a million dollars in finding out something a majority of Congress knew in advance. That investigation was ordered 10 years ago. We have never yet written the legislation on the statute books. We spent in the Sixty-second and Sixty-third Congresses thousands upon thousands of dollars for investigations.

First, the United States Steel Corporation was investigated. Who has ever read the testimony? What effect did it have? Then we investigated the so-called Sugar Trust. Who read the testimony? What legislation has resulted from either one of those expensive and unnecessary investigations? Absolutely none. Then we investigated the Colorado coal and Michigan copper strikes because some members of the Colorado and Michigan delegations wanted them investigated. We sent special committees to Colorado and Michigan to investigate the strikes there, and we piled up volume after volume of testimony, costing thousands of dollars; but where is the legislation? That was another waste of time and money. What the American people demand to-day is not additional investigations. They are weary of investigations. The people want prompt action on the part of the national administration and a Democratic Congress in redeeming the promise of four years ago to reduce the high cost of living. If, as charged by those on the Democratic side of the House, there are unlawful combinations to increase the high cost of living, what has become of the Attorney General of the United States and his district attorneys located in every State of the Union? What are they doing to have the law carried out and to aid their party in keeping the platform pledge to enforce the Sherman antitrust law and to reduce the high cost of living? If you are determined to have an investigation, in all fairness you should begin with the Department of Justice. Do we need an investigation to convince us that there is an increase in the cost of living or that there are combinations? What the country needs and is entitled to is a prompt remedy for conditions every Member of Congress knows to exist all over the country. Let us quit feeding a trusting public on promises, on investigations, and get down to real business. Let us have another "administration measure"—not an expensive and unnecessary investigation, but a law to reduce the high cost of living, as promised in the Baltimore platform.

The investigations referred to in this debate, if ordered, will last for months, cost thousands of dollars, and in the meantime there will be no relief for the people. Quit investigating, quit postponing, and direct your Attorney General to get busy. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, let me say for the benefit of some of the gentlemen that this amendment was not prepared by, it was not shown to, it was not discussed with, packers, and they know nothing about it, and nobody else, so far as discussion in advance is concerned, outside of Members of the House. Let me make this further suggestion: The gentleman from New York [Mr. FITZGERALD] said this would postpone an investigation. I did not put in the amendment a provision that the funds should be immediately available, because that would have made it subject to the point of order which the gentleman from New York made, but I am quite willing that that should be added to the amendment. I did not put in it the provision giving the bureau the power to subpoena witnesses, because that would have made it subject to the point of order, but I am quite willing they should have it. However, let me make this suggestion with reference to the subpoenaing of witnesses:

I had charge of the bill, originally, creating the Bureau of Corporations. They were given power to subpoena witnesses. They never did it. The Federal Trade Commission, I think—although I may be mistaken—has never subpoenaed a witness. Why? Witnesses who are willing to come do come. The minute you subpoena a witness you render him immune from prosecution. And those under investigation, under prosecution, are the most anxious to testify, because they can not be prosecuted. And when the Bureau of Corporations made an investigation of the packers some years ago, although they did not subpoena witnesses, the packers got an immunity bath because the Bureau of Corporations had power to subpoena witnesses where the production of testimony gave that immunity if done.

Now, what have we proposed? A practical method of expediting economy in the transportation of food products from the producer to the consumer, using a method which we have already created, the Bureau of Markets, engaged in that business, men who can make suggestions to the men who handle the grains, the live stock, and the other food products of the country, and make suggestions which would be of practical value. If they discover that there is manipulation of the markets, they will discover it outside of giving immunity to the men who are engaged in the business, and they will have the power to turn that testimony over to the Department of Justice, where it may be effective.

If we could—and I do not know whether we can; we have not been able to yet—if we could send one man to jail for manipulating the markets of the country, it would do more good than anything else we could do. [Applause.]

But up to date we have not been able to do anything. Where we have made an investigation we have granted immunity to the men who are guilty by making the investigation, and the investigation has done no good in any other way.

Now, this investigation, if carried on, may be of good, to begin with, in giving practical suggestions for the handling of the food products, and if they discover that there is manipulation of the market, then the men who are guilty will not have immunity. They may indict and convict. I hope the amendment may receive the approval of the body. [Applause.]

The CHAIRMAN (Mr. CRISP). The time of the gentleman from Illinois has expired. All time has expired. The question is on agreeing to the amendment.

Mr. ANDERSON. Mr. Chairman, I wish to offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON to the amendment offered by Mr. MANN: "For the purpose of said investigation the Chief of the Bureau of Markets and his duly authorized agents shall have power to administer oaths, subpoena witnesses, and require the production of books and papers."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The point of order is sustained. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I offer an amendment: Insert at the end of the amendment the words "to be immediately available."

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amendment to the amendment offered by Mr. MANN: At the end of the amendment, after the figures "\$50,000," insert the words "to be immediately available."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The Chair sustains the point of order. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. FITZGERALD. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 85, noes 23.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For investigating the handling, grading, and transportation of grain, including the grain sorghums, for the purpose of fixing definite grades thereof, \$106,590.

Mr. YOUNG of North Dakota. Mr. Chairman, I move to strike out the last word.

Mr. STAFFORD. Mr. Chairman, I wish to reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the paragraph. The gentleman from North Dakota is recognized.

Mr. YOUNG of North Dakota. Mr. Chairman, the grain standards act passed last year has not yet been placed in operation. A committee of the Department of Agriculture is now engaged in preparing standard grades for the grading of grain, that is to say, deciding upon definitions of what shall constitute the various grades. This is a task of tremendous importance to the farmers of the Nation and also to the consumers of grain products.

Mr. Chairman, heretofore the grades for wheat have been fixed according to the weight and appearance of the grain. The entire equipment of those who have attempted to fix standard grades in the different States has consisted of a scale, the naked eye, and the fingers of the hand as to moisture. It is the contention of the farmers of the Northwest that standard grades for wheat should be determined upon according to its actual milling value. That value can be actually and scientifically ascertained; in fact, it has been done at the experimental flour mill and laboratories of the North Dakota Agricultural College by President E. F. Ladd. The experiments conducted there during recent years show that grades established according to weight and physical appearance are inaccurate, unscientific, and grossly unjust to the producers. The grades have been heretofore adopted in an arbitrary way and apparently for the express purpose of buying a large portion of the wheat at less than its milling value. Even if this were not the design, no thoughtful person will say that it is not the effect. In my remarks here last year concerning the 1915 crop I showed that there was in some instances a spread in price between No. 1 northern and rejected at 20 cents per bushel, that is to say for 60 pounds. Dr. Ladd showed by his milling, chemical, and baking tests that the actual value of the products of the rejected grade were worth more according to the market prices than the products of No. 1 northern, as follows: No. 1 northern, \$2.28 per 100 pounds; rejected grade, \$2.31 per 100 pounds. In other words, and do not lose sight of this, while rejected was actually worth more than No. 1 northern, the Minnesota authorities had arbitrarily established six grades to describe wheat ranging between these limits of quality. By this means the man who hauled a load of wheat of rejected grade to the elevator on April 27, 1916, according to the market reports in the Grand Forks Herald, received 20 cents per bushel less than his wheat was really worth, that is to say 20 cents less than the quotation for No. 1 northern.

This year it is worse than ever. The grain dealers are buying wheat upon the basis of nine different grades. The more grades there are the lower they can pound down the price for the so-called low-grade wheat. This year—that is, for the crop year of 1916—the spread in price between No. 1 northern and the lowest grade has run at times as great as 97 cents per bushel. It represents the most colossal hold-up ever pulled off in the grain trade.

Mr. Chairman, let me say again the grading of grain or the fixing of standards in the past has always been done simply by weight and by the physical appearance of the grain. The different States or other organizations that have adopted standard grades have never attempted to go further than that. They have never attempted to make a chemical analysis of the grain or analysis of the flour or any baking tests of the flour.

The College of Agriculture of North Dakota has been making a line of experiments during recent years of a technical, scientific kind to determine what these grades ought to be. For that purpose they have an experimental flour mill and a chemical laboratory and a baking laboratory. Having been instrumental in securing this equipment for our college while a member of the North Dakota Legislature I have studied the bulletins of

Dr. Ladd with great interest and diligence. The result of last year's investigations is particularly important and reveals a situation that calls loudly for a scientific method of establishing grain standards.

There was a spread last year in the values of grain sold under different standards between the highest grade and the lowest grade of 97 cents. To describe the crop of last year—that is, the 1916 crop—nine different grades were defined by the grain dealers. Now the investigations conducted at Fargo show that these definitions, these grades that have been used, are arbitrary and have not been made according to the milling value of the wheat for the greater portion of the crop last year. I will say that in a general way the crop last year was not a good-looking crop. In appearance it was shrunken and the wheat was not up to normal.

Now, with those superficial methods that they have had in the past of establishing these standards, not going beyond the weight and the physical appearance, they branded a whole lot of this wheat as simply "feed." The grain men have been using grades that they call "A feed," "B feed," "C feed," and "D feed." Now, that indicates, if it indicates anything, that those who are doing the grading of this grain concluded that it was not wheat at all; it was not entitled to be known as wheat; it was simply feed—chicken feed.

Dr. Ladd, at Fargo, took 43 different samples of "D feed" grade, and the results of the investigation show this, that in point of absorption—that is something that is always looked to by the bakers in buying flour, because they want a flour that is capable of large absorption, and I am talking now of "D feed," the lowest grade of feed—41 samples were superior to No. 1 northern, and only two of the samples fell less than No. 1 northern, and they were only 1 per cent below.

Now, as to the volume of the bread made from this "D feed," the bakers always like a large-looking loaf. No matter what it weighs, they like a large-looking loaf. Thirty-nine samples were superior to No. 1 northern.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YOUNG of North Dakota. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent that he may proceed for 10 minutes. Is there objection?

Mr. LEVER. Reserving the right to object, can not the gentleman get along with five minutes. Let me say to him that there is a very important bill that gentlemen who have charge of it desire to put through this afternoon, if possible, and I am trying to hurry the consideration of this bill to accommodate them.

Mr. YOUNG of North Dakota. I have never retarded the progress of this bill by saying a single word during its consideration.

Mr. STEENERSON. I hope the gentleman from South Carolina will allow this extension. It is very important.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent that his time be extended 10 minutes. Is there objection?

There was no objection.

Mr. YOUNG of North Dakota. I am talking now of the different points which go to indicate whether flour is valuable or whether it is not, or whether it belongs to a low grade or not. We are dealing here only with experiments made with D-feed wheat. As to the volume of the loaf, 39 samples were better than No. 1 northern and only 4 of them fell below.

Now as to the color, that is also an important item with the bakers and with every housewife. I do not know but it is more important to the housewife than it is with the bakers. The housewife wants a white-looking loaf. Eighty-eight per cent has always been regarded by bakers and experts who pass on this question as sufficient. It ought not to fall below 88 per cent. If it is 88 per cent or better, it is all right on the color question. Twenty-six samples of flour made from D-feed were above 88 per cent in point of color and 17 samples were below 88. Taking all the feed samples together and averaging them, we get 88.5. It is the most common thing in the world, in the flour trade and in the milling trade, to blend wheat. Soft wheat is blended with hard wheat, and high quality hard wheat is blended with a low quality; so that if any of these D-feed wheats did fall below 88 per cent, all that was necessary was to blend them with wheat of higher grade, to take care of the item of color. As I have shown, all the feed grades, A, B, C, and D, gave an average of 88.5 per cent, and by blending them with the grades above that the percentage of color would be raised still higher.

Texture is another point on which they judge flour and bread. All of the 43 samples of 4 feed were better than No. 1

northern. I want to call your attention especially to that. In point of texture every single one of the 43 samples of D feed examined at the North Dakota Agricultural College tested higher than bread made from No. 1 northern.

Mr. DAVIS of Texas. Will the gentleman permit a question?

Mr. YOUNG of North Dakota. Certainly.

Mr. DAVIS of Texas. I am very much interested. Do I understand that the market buyers, wanting to undergrade certain kinds of wheat, had branded it as A, B, C, and D feed, not designating it as wheat at all, but as feed?

Mr. YOUNG of North Dakota. They said that in purchasing wheat in North Dakota there should be these grades: No. 1 northern, No. 2 northern, No. 3 northern, No. 4 northern, A feed, B feed, C feed, and D feed.

Mr. DAVIS of Texas. And actual experience has shown that bread made from D-feed wheat is equal to No. 1 northern.

Mr. YOUNG of North Dakota. It is equal in point of absorption, protein content, and volume of loaf. In color it does not equal it, because No. 1 northern will average higher than 88 per cent; but, as I explained to the gentleman, the millers blend their wheats.

Mr. DAVIS of Texas. I understand. I just wanted to get it clear.

Mr. YOUNG of North Dakota. The average of all the D-feed flours was equal to 88.5 per cent in color, so that in order to reach the standard it would not be necessary to blend them with higher grades, but if they wanted a still higher percentage on color, they could be blended with so-called higher grades.

Now, as to the per cent of gross increase per bushel, according to the way this wheat was purchased in North Dakota and the Northwest last year, the best sample of No. 1 northern gave a gain of 22.2 cents. None of the 41 samples of D feed fell below 100 per cent gain.

Mr. STEENERSON. Gain of what?

Mr. YOUNG of North Dakota. The gentleman understands, of course, that there is a difference between profits and increased selling price. I am talking now about the sale of products and what the gain was on a bushel of this wheat, not the profit. That could not be determined without considering a number of other items. On No. 1 northern the gross products sold at prices, according to the Northwestern Miller, which represented a gain of 22 per cent. On D feed the gain was over 100 per cent.

Mr. STEENERSON. Over what?

Mr. YOUNG of North Dakota. Over the purchase price.

Mr. DAVIS of Texas. Does the gentleman mean the gain over last year's level?

Mr. YOUNG of North Dakota. No; taking the wheat of 1916, the entire products from No. 1 northern wheat sold for 22 per cent more than the purchase price, according to the Minneapolis market, for wheat, flour, shorts, bran, and the different products. The percentage of increase on the products from D-feed wheat was over 100 per cent.

Mr. KELLEY. Does the gentleman mean over and above what the farmer received for the crop?

Mr. YOUNG of North Dakota. Yes.

Mr. STEENERSON. When were these tests made?

Mr. YOUNG of North Dakota. During the months of October and November.

Mr. STEENERSON. In 1916?

Mr. YOUNG of North Dakota. In 1916. Now, as to the gross receipts per bushel, including screenings, during the past season, for No. 1 northern wheat they got \$2.12.

Mr. MADDEN. Who got \$2.12?

Mr. YOUNG of North Dakota. Those who sold the products. It is pretty hard to tell just where the profit goes, but in our country the belief is general that the grain dealers are the chief offenders and the chief beneficiaries.

Mr. MADDEN. It was not the farmer?

Mr. YOUNG of North Dakota. No. For the poorest sample of D-feed out of the 43 samples the products brought \$1.85. The average for the products of all the feed samples was \$1.994. The best, from No. 1 northern, was \$2.084, so there was only a spread of 9 cents in the total products sold between No. 1 northern and D feed.

Mr. MADDEN. A spread of only 9 cents in the difference of the price to the miller.

Mr. YOUNG of North Dakota. In the difference of the price got by the miller when he sold all these products.

Mr. MADDEN. What was the spread above the price received by the farmer?

Mr. YOUNG of North Dakota. I can give you a pretty fair idea of it. Here is an estimate made by Dr. Ladd on a carload of wheat sold at Fargo, N. Dak., a sample of D feed. The carload was bought from the farmer for \$653.01. It was sold

for an advance over and above that of \$1,031.72. You understand this is an estimate made by Dr. Ladd.

Mr. STAFFORD. In what period of time was there that increase?

Mr. YOUNG of North Dakota. President Ladd took the sole price of the products and the purchase price of the wheat on the same day. He took the markets from the Northwestern Miller, of Minneapolis, Minn. Dr. Ladd is a noted chemist, who has won the entire confidence of North Dakota people because of his skillful, vigorous, and courageous enforcement of our pure-food law and because of his painstaking and thorough examination of many samples of North Dakota wheat, the results of which have been published in bulletins from year to year. I shall ask presently to quote quite freely from his last bulletin, which will reply more fully to the different questions my colleagues have been asking me. Being limited very much in time it has not been possible for me to cover each item with thoroughness, and those specially interested in this subject should read Dr. Ladd's bulletin in full.

Mr. STEENERSON. As I understand, D feed weighs only about 40 pounds to the bushel, but when you sell it you sell 60 pounds.

Mr. YOUNG of North Dakota. Certainly.

Mr. STEENERSON. If you sell it by the bushel you have to give 60 pounds in weight?

Mr. YOUNG of North Dakota. Yes; and that is where some superficial people fall down in an investigation of this question. While in fixing the grade it is said a certain grade shall weigh so many pounds, that is only to fix the grade; but when you load it into the elevator it takes 60 pounds to make a bushel. It has been found that 60 pounds of one grade of wheat and 60 of another is worth very much the same. There is no justice in multiplying arbitrary grades; that is only an excuse for pounding down the price of the low grades.

In 1873 they only had two grades. Five years later they pushed it up to three. In 1907 they had five grades, and then finding that the farmers were easy and standing for it they increased it to seven grades. When the price is fixed on No. 1 northern and a number of arbitrary grades are fixed below it it becomes possible to establish a different price for each grade, and the more grades there are the lower the price can be depressed for the so-called lower grades. Last year the grain men got the number of grades increased up to nine.

Mr. MADDEN. What was the difference between the highest grade and the lowest grade?

Mr. YOUNG of North Dakota. Ninety-seven cents. Now, the proposition that I want to drive home is that either the work of Dr. Ladd, at Fargo, is right or it is not. I claim that his standards should be followed or the officials of the Department of Agriculture should install an experimental mill and laboratories here and do the work themselves. I claim that the farmers are entitled to have the Department of Agriculture follow the scientific tests made by Dr. Ladd for several years past, or else the Secretary of Agriculture ought to institute his own experimental mill and demonstrate whether this work is correct or not. [Applause.] He should not close his eyes to scientific truth. He should not follow the old, discredited, and unscientific method of relying solely upon the sense of sight and the sense of feeling. And I do not think he will do so if he can be brought to understand how vitally it affects not only the producers but also the consumers of the country.

I ask leave to print the bulletin issued by Dr. Ladd, No. 119, issued November, 1916.

The CHAIRMAN. Is there objection?

There was no objection.

The matter is as follows:

NORTH DAKOTA WHEAT FOR 1916.

[By Dr. E. F. Ladd, president North Dakota Agricultural College.]

Two bulletins have been published containing information with regard to wheat matters, namely, Special Bulletin No. 14, volume 3, "Is the Present System of Grading Wheat Equitable?" and Bulletin No. 114, "Chemical and Physical Constants for Wheat and Mill Products," which have brought repeated demands for information with regard to the milling and bread-producing qualities of the wheat crop for 1916. It is decided, therefore, to publish the data for the 1916 samples thus far milled, giving more detailed and complete information on the completion of the year's experiments, which can not be finished before mid-summer. The writer is responsible for the presentation of the matter, while all of the milling and grading results are furnished by Thomas Sanderson, and the analytical and baking results by Levi Thomas and W. L. Stockham.

Wheats at the terminal markets of Minnesota are graded in accordance with the Minnesota grades as prepared by the board of grain appeals at Minneapolis and the board of grain appeals at Duluth. From an official publication we quote the following for northern spring wheat, also for durum wheat:

"NORTHERN SPRING WHEAT.

"No. 1 hard spring wheat: Shall be dry, sound, bright, sweet, clean, and consist of over 75 per cent of the hard kernels and weigh not less than 58 pounds to the measured bushel.

"No. 1 northern spring wheat: Shall be dry, sound, sweet, and clean; may consist of the hard and soft kernels of spring wheat and weigh not less than 57 pounds to the measured bushel, and shall not contain to exceed one-half of 1 per cent of wild vetch (wild pease) or kingheads, singly or combined, and not to exceed a total of 1 per cent of inseparable weed seed.

"No. 2 northern spring wheat: Shall be dry spring wheat, not clean enough or sound enough for No. 1, but of good milling quality, and must weigh not less than 56 pounds to the measured bushel, and shall not contain to exceed 1 per cent of wild vetch (wild pease) or kingheads, singly or combined, and not to exceed a total of 2 per cent of inseparable weed seed.

"No. 3 northern spring wheat: Shall be composed of inferior, shrunken spring wheat and weigh not less than 54 pounds to the measured bushel, and shall not contain to exceed 2 per cent of wild vetch (wild pease) or kingheads, singly or combined, and not to exceed a total of 4 per cent of inseparable weed seed.

"No. 4 northern spring wheat: Shall include inferior spring wheat that is badly shrunken or damaged, and weigh not less than 49 pounds to the measured bushel.

"Sample grade spring wheat: Shall include all varieties of inferior spring wheat that is badly sprouted, very musty, badly bin burnt, fire burned, badly damaged, containing live weevil, or otherwise unfit for higher grades.

"No-grade wheat: All spring and durum wheat containing 15 per cent or more of moisture, or in a heating condition or otherwise unfit for store, shall be classed no grade, with inspector's notation as to what grade same would be if in condition. For example: NG No. 1, NG No. 2, NG No. 3, etc.

"NOTE.—Hard, flinty wheat of good milling quality and containing no appreciable admixture of soft wheat may be admitted into the grades of No. 2 northern spring wheat, No. 3 northern spring wheat, and No. 4 northern spring wheat, provided weight of the same is not more than 1 pound less than the minimum test weight required by the existing rules of said grades, and provided, further, that such wheat is in all other respects qualified for admission into such grades.

"NOTE.—The variety of wheat known as 'humpback' owing to its inferior milling quality, shall not be graded higher than No. 3.

"NOTE.—The percentage of inseparable weed seed, as stated above, shall be carried only when the wheat is of sufficiently superior quality to justify these additional defects.

"DURUM (MACARONI) WHEAT.

"No. 1 durum wheat: Shall be bright, sound, dry, well cleaned, and be composed of durum, commonly known as macaroni wheat, and weigh not less than 60 pounds to the measured bushel.

"No. 2 durum wheat: Shall be dry, clean, and of good milling quality. It shall include all durum wheat that for any reason is not suitable for No. 1 durum and weigh not less than 58 pounds to the measured bushel.

"No. 3 durum wheat: Shall include all durum wheat bleached, shrunken, or for any reason unfit for No. 2 and weigh not less than 55 pounds to the measured bushel.

"No. 4 durum wheat: Shall include all durum wheat that is badly bleached or for any cause unfit for No. 3.

"NOTE.—Red-berried durum, western soft durum, owing to their inferior milling quality, shall not be graded higher than No. 3.

"NOTE.—The percentages of inseparable weed seed established for Nos. 1, 2 and 3 northern spring wheat shall also apply to Nos. 1, 2, and 3, durum wheat.

"Mixed wheat: Eight per cent or more of spring wheat in durum, winter or western white or red wheat and 4 per cent or more of durum, winter, or western white or red wheat in spring wheat shall be graded Nos. 1, 2, 3, etc., mixed wheat."

It will thus be observed that only five grades are fixed for the wheats and in addition "sample grade" and "no grade," "no grade," of course, representing wheat in bad condition. The sales, therefore, in the terminal market in Minneapolis, for example, are assumed to be made on these grades, but it would appear that the grading of the wheat, as carried out at the point of purchase in North Dakota, is in accordance with instructions sent out from day to day from Minneapolis, as shown by the following from a notification postal card sent out regularly to the buyers of wheat.

MINNEAPOLIS, MINN., October 14, 1916.

[This cancels card of 13.]

	Pounds.	Quota-tions.
Wheat No. 1 northern.....	57	158
Wheat No. 2 northern.....	56	154
Wheat No. 3 northern.....	54	148
Wheat No. 4 northern.....	53	136
Do.....	52	130
Winter wheat No. 2.....		144
Winter wheat No. 3.....		138
Durum No. 1.....	60	160
Durum No. 2.....	58	156
Durum No. 3.....	55	144
Durum No. 4.....	54	127
Do.....	52-53	115
Sample feed spring No. 4.....	49-51	124
Sample feed spring A.....	47-48	114
Sample feed spring B.....	45-46	99
Sample feed spring C.....	43-44	89
Sample feed spring D.....	35-42	79
Feed durum No. 4.....	50-51	102
Feed durum A.....	48-49	93
Feed durum B.....	46-47	83
Feed durum C.....	44-45	73
Feed durum D.....	40-43	63

Nor. 36. The Grain Bulletin.

The official body establishing these grades and prices is not given on the cards as they go out from Minneapolis to the dealer. It will be noticed that the grading according to this card is quite different from the official grades and does not conform with regard to test weight per bushel.

There are several additional grades—grade 4, No. 2, and grade 4, No. 3; and in addition to these a classification is made as "Feed A," "B," "C," and "D."

No matter what the grade may be at the point of purchase the terminal grade is assumed to be one of the five as indicated in the official announcement from the board of grain appeals. Therefore, No. 4—No. 2, and No. 4—No. 3 and a part of feed A should sell as No. 4. The balance of feed A, as well as feeds B, C, and D, will all be sold as sample grade if sold under the official classification.

It may be also assumed that the term "feed" is intended to imply that the wheat had no milling value, but is to be used exclusively for feed purposes. The milling tests, together with the baking test, will therefore prove of special interest in this connection. The milling was done on the small two-stand mill. The samples were sent in from various parts of the State, some from individual farmers, from county agricultural agents, elevators, demonstration farms, etc. The number of samples in the higher grades are rather limited, but having no choice in the matter we have used them as received.

As already indicated the grading is based on a card or price list sent out to the local elevators by the Grain Bulletin from Minneapolis, and is the elevator's instructions regarding grade and price until there is received a renewal with the market changes. This card is more stringent regarding the higher grades than the grading rules issued by the Minnesota grain inspection department since there are grades which the rules make no provision for at all. Therefore the wheat would appear to be bought from the farmer by one set of rules or system of grading and sold to the terminal elevator by an entirely different system of grading if we are to judge from the information available to us. The price as quoted on the card is made apparently on the test weight per measured bushel but requires 60 pounds of wheat in each case to constitute a bushel as sold. In our comparison as a basis for the market value, we take the average of the high and low cash market at Minneapolis, as quoted by the Northwestern Miller for six days, October 11-17, inclusive. Using this average price as far down as the grades apply or correspond to the grades as shown by the card, and then using the same spread in price between No. 1, as is shown by the card, we get the market price for all the other grades as follows:

MARKET PRICE.

Average of high and low and averages for October 11-17, inclusive. From page 173, Northwestern Miller.

Grade.	Hard red spring.	Durum.
No. 1 northern.....	\$1.732	\$1.806
No. 2 northern.....	1.704	1.760
No. 3 northern.....	1.626	1.6112
No. 4 northern.....	1.403	(1)
Sample grade.....	1.2777	(1)
No grade.....	1.4139	(1)

¹ Not quoted.

If we base our values on No. 1 northern, with the same spread in value as shown on the card sent to the local elevators by the Grain Bulletin, then we have the following:

Grade.	Hard red spring.	Durum.
No. 1 northern.....	\$1.732	\$1.806
No. 2 northern.....	1.704	1.760
No. 3 northern.....	1.626	1.6112
No. 4 northern.....	1.51	1.47
Do.....	1.45	1.35
Do.....	1.39	1.22
A feed.....	1.29	1.13
B feed.....	1.14	1.03
C feed.....	1.04	.93
D feed.....	.94	.83

If we deduct from the above figures the freight rate per bushel for any grade to the Minnesota transfer, we should then have the local value of the wheat or from Fargo approximately 7 cents per bushel.

The market quotations for flour during the same period, according to the Northwestern Miller, ending October 17, 1916, were as follows:

Straight flour, per 100 pounds.....	\$4.426
Bran, per 100 pounds.....	1.156
Shorts and other products, per 100 pounds.....	1.567
Screenings, per 100 pounds.....	.675

The foregoing prices are for wholesale or carload lots and based upon the market price at Minneapolis. The above values are used throughout in the calculations for these tables.

It will be observed that the majority of the samples for this year are falling under the classification of "feed" grades, and there is in our series no No. 4 northern, although there are a few samples of the higher grades. The large proportion of the lower grades of wheat makes the grading of the milling value of the wheat an important matter this year.

The tables from 1 to 9 show clearly for themselves the facts concerning the several grades examined.

WHAT THE DATA SHOW.

A study of the tables will show, from a milling point of view, that the per cent of flour from No. 1 and No. 2 northern is fairly high and compares favorably with the results obtained at this station in other years, although the number of samples represented are limited and might run, in a larger series, somewhat different. The samples in No. 3 and No. 4 northern grades are a little low in per cent of flour compared with the same grades in other years; while in the so-called "feed" grades we have had very few samples in other years with which to make a comparison.

We find in the No. 3 and No. 4 northern grades a test weight, before cleaning, of 55 pounds to 49 pounds, and we have the per cent of flour ranging from 69.03 to 63.01, with the lowest average of any grade 65.18 per cent; in the feed grades a range from 67.78 to 50.23 per cent, with the lowest average in any grade 60.40 per cent. Between the

maximums of all grades there is a spread in per cent of flour from 73.07 in Table II, sample 2990, to 50.32 in Table IX, sample 3289. If we assume that the flour from these two samples is of equal baking quality (the baking results show they are), then the flour should be of equal value; and figuring the difference in per cent of flour to be 22.75, at the value as shown of \$4.426, the difference would be \$1, or 60 cents per bushel. The sample giving the high per cent of flour, being No. 2 northern, the market value \$1.704, would make the sample giving the low per cent of flour worth \$1.104, or 16.4 cents more than the market value when based on the flour per cent alone. When we consider, for these two samples, the value of the mill products we find a difference of 33.72 cents, which would give a market value per bushel of \$1.374, or 43.4 cents per bushel more than the market value when compared with the No. 2 sample. Ignoring the dockage in either case, there would be a difference in value of 48.78 cents per bushel, or for No. 2 northern, value \$1.704 less 48.78 cents, equals \$1.262, or 32.62 cents per bushel more than market value.

BAKING RESULTS.

A study of the data presented in the baking results will show that these samples can be blended together in almost any quantity and the

flour would make a good bread. By eliminating some of the poor samples or by adding more of the good samples a choice flour could be produced. As a matter of fact, the large mills all blend wheats to get the desired results for color, texture, and loaf volume. All these wheats are good, and in general show large loaf volume and good texture, but not always standard in color, sometimes quite inferior in color, which would not seriously affect the blend and would add much in strength, for the gluten content is exceptionally good.

GENERAL AVERAGES.

If we take the general averages for the several grades as presented in the tables and bring together the data for comparison, both with regard to the milling and baking tests, we shall find that the per cent of flour is much higher for the lower grades than is generally assumed. If we examine the loaf volume, we note that for the lower grades the volume is much higher than for the higher grades, while the color averages the equal of the minimum standard for straight flours. The same is true for the texture, although it does not equal that of the higher grades, and shows the advantages that would come from being blended with other flours. The data for the combined averages is as follows:

TABLE XV.—The averages.

Receipts.	No. 1.	No. 2.	No. 3.	No. 4 (2).	No. 4 (3).	Feed.			
						A.	B.	C.	D.
Weight uncleaned.....	57.5	56.0	54.4	52.1	49.2	47.4	45.0	43.3	37.9
Weight cleaned.....	60.5	58.5	56.7	56.1	54.2	53.4	50.8	49.6	46.7
Screenings.....	3.37	3.96	6.23	6.57	6.77	9.24	11.51	8.43	17.34
Flour, per cent.....	69.63	72.64	65.44	65.18	65.68	63.72	63.39	62.9	60.40
Bran, per cent.....	16.27	14.30	12.57	12.90	15.88	15.98	17.76	17.35	19.04
Shorts, per cent.....	13.53	13.69	20.76	21.44	18.41	20.41	19.04	19.11	19.69
Loaf, volume, cubic centimeters.....	2,317	2,292	2,291	2,304	2,522	2,314	2,471	2,734	2,677
Color.....	93.7	93.2	91.5	91.0	91.0	88.6	88.9	92.3	84.3
Texture.....	93.0	94.2	90.5	90.2	89.2	88.3	89.0	93.6	91.5

In the same manner, if we bring together the receipts for the mill products as compared with the cost for the wheats, we shall get a better

idea of the relative value and of the gain in per cent, or, undoubtedly, the comparative profits for handling the several grades of wheat, as follows:

TABLE XVI.—The receipts per bushel.

Receipts.	No. 1.	No. 2.	No. 3.	No. 4 (2).	No. 4 (3).	Feed.			
						A.	B.	C.	D.
The cost.....	\$1.732	\$1.704	\$1.626	\$1.45	\$1.39	\$1.29	\$1.14	\$1.04	\$0.94
Screenings.....	.0136	.0160	.0252	.0266	.0274	.0374	.0466	.0359	.0702
Flour.....	1.8494	1.9290	1.7378	1.7309	1.7442	1.692	1.6834	1.6996	1.6040
Bran.....	.1129	.0992	.0872	.0895	.1101	.1108	.1232	.1203	.1321
Shorts.....	.1272	.1287	.1932	.2016	.1731	.1919	.1790	.1797	.1851
Total.....	2.1031	2.1729	2.0454	2.0486	2.0548	2.0323	2.0322	2.0055	1.9914
Increase.....	.3711	.4689	.4194	.5986	.6648	.7423	.8922	.9655	1.0514
Gain, per cent.....	21.4	27.5	25.8	41.1	47.8	57.5	78.2	92.8	111.9

RELATIVE PROFITS.

In examining the table above we note that the per cent of flour produced by the grades of wheat Nos. 3, 4 (2), and 4 (3) are essentially the same, or above 65 per cent, and therefore, presumably, are of equal value for flour production, while in bread production they show a larger loaf volume than the higher grades and are but slightly inferior in color. Four classes of wheats graded as feed A, B, C, and D all produce above 60 per cent of flour on the average for the entire series, and it is not to be assumed that a product of as much value as this for flour production will be used as cattle feed. When we examine the bread made from these flours we find a better average loaf volume than for any other class, as would be expected from the gluten content, and the color and texture averages well. The interesting feature comes, however, it seems to me, in considering the increase in per cent of the sales price for the mill products as compared with the cost for the wheat. This can best be summarized again as follows:

TABLE XVII.—Comparison of cost of wheat and receipts from mill products.

	Cost of wheat.	Receipts from mill products.	Per cent of gain.
No. 1 northern.....	\$1.732	\$2.1031	21.4
No. 2 northern.....	1.704	2.1729	27.5
No. 3 northern.....	1.626	2.0454	25.8
No. 4 (2).....	1.45	2.0486	41.1
No. 4 (3).....	1.39	2.0548	47.8
Feed A.....	1.29	2.0323	57.5
Feed B.....	1.14	2.0322	78.2
Feed C.....	1.04	2.0055	92.8
Feed D.....	.94	1.9914	111.9

Clearly, if there is a profit in milling high-grade wheats, No. 1 and No. 2 Northern this year, when the gain is 21.4 per cent and 27.5 per cent, then certainly in the lower grades, where for No. 4 (3) there is a gain of 47.8 per cent and in Feed C 92.8 per cent and in Feed D 111.9 per cent, then there certainly should be a net profit for the feed wheats much in excess of that made on the high-grade wheats, and would indicate their relatively greater value than is shown by the purchase price. These figures, of course, do not show the cost of manufacture or legitimate profits; they are only intended to be accurate data with regard to

the total proceeds from the sale of the various products as compared with the cost of the original material.

A CARLOAD OF WHEAT.

For convenience let us take a carload of wheat for the several grades and follow it through from the North Dakota farmer to the terminals and the milling portions back again through to retail trade to the consumer, who may have been the farmer who produced the wheat itself. This will give us a better means of comparison and one that can be easily understood and followed.

Nine of the 10 grades are represented in the tables presented in this bulletin. There were no samples with the proper weight per measured bushel to make a first No. 4 Northern grade. It should be borne in mind that these grades do not conform to the Minnesota grain-inspection rules, which provide for seven grades for Hard Red Spring wheat. The grades as shown on the card, therefore, are arbitrary and only apply when the farmer sells his wheat to the local elevator company or other dealer employing this same system of grading. For a comparison of the grades and values we will offer the following, giving the local grade and weight per bushel and value as shown by the card of October 14, 1916, followed by the grain-inspection department grades, weight per bushel, and average value at Minneapolis for the week ending October 17, 1916.

TABLE XVIII.—Comparison of local grades and values with grade and value at Minneapolis.

Local grade.	Weight per bushel.	Value.
No. 1 northern.....	57	\$1.58
No. 2 northern.....	56	1.54
No. 3 northern.....	54	1.48
No. 4 northern.....	53	1.36
Do.....	52	1.30
Do.....	49-51	1.24
A feed.....	47-48	1.14
B feed.....	45-46	.99
C feed.....	43-44	.89
D feed.....	35-42	.79

TABLE XVIII.—Comparison of local grades and values with grade and value at Minneapolis—Continued.

Minneapolis grade.	Weight per bushel.	Value.
	Pounds.	
No. 1 northern	57	\$1.732
No. 2 northern	55	1.704
No. 3 northern	53	1.626
No. 4 northern	48	1.51
Sample grade	No limit.	1.28
No grade		1.41

Let us use 60,000 pounds as a carload and take the nine grades, assuming that the farmer sold the product at the values here given, and calculate the returns for the same; first, the wheat as received from the farmer; then the wheat as graded in Minneapolis on the track; then the amount received by the elevator company unloaded. If we then take the data furnished from the milling experiments and calculate the market value for the flour, bran, and shorts, or mill products, comparing these with the local feed and flour values for the same products as retailed in Fargo, we shall have pretty complete information.

TABLE XIX.—No. 1 northern: Carload (60,000 pounds) bought from farmer Oct. 14, at card value, \$1.58 per bushel.

	Grade No.—			
	1°.	2°.	3°.	4° (2).
Dockage, per cent.	3.37	3.96	6.23	6.57
Clean wheat, bushels-pounds	996-18	960-24	937-42	934-18
Price, per bushel	\$1.58	\$1.54	\$1.48	\$1.30
Value	\$1,526.75	\$1,479.01	\$1,387.73	\$1,214.43

If we ship the same wheat to Minneapolis, according to the prices, we should have the following:

TABLE XX.—Minneapolis value of wheat cited in Table XIX.

	Grade No.—			
	1°.	2°.	3°.	4° (2).
Dockage, bushels-pounds	33-42	39-36	39-36	65-42
Clean wheat, bushels-pounds	966-18	960-24	937-42	934-18
Price, per bushel	\$1.732	\$1.704	\$1.625	\$1.45
Value	\$1,673.34	\$1,636.35	\$1,507.30	\$1,354.56
Less freight at 11 cents per hundred weight	\$66.00	\$66.00	\$66.00	\$66.00
Net value on track at Minneapolis	\$1,607.34	\$1,570.35	\$1,441.30	\$1,288.56
Gain	\$80.59	\$91.34	\$53.57	\$74.13
Value of screenings	\$13.65	\$18.63	\$25.23	\$26.21
Total gain	\$94.24	\$109.97	\$78.80	\$100.34

From the above total gain the farmer would find it necessary to pay his commission and losses.

On the other hand, let us assume that the wheat has gone into the mill, been converted into mill products, and sold at Minneapolis wholesale prices, as follows:

TABLE XXI.—Wholesale price of mill products of wheat cited in Table XIX.

	Grade No. 1°.	Grade No. 2°.	Grade No. 3°.	Grade No. 4° (2).
Screenings, pounds	2,022	2,376	3,738	3,942
Screenings, value	\$13.65	\$18.63	\$25.23	\$26.21
Straight flour, value	\$1,788.66	\$1,854.31	\$1,631.04	\$1,618.68
Bran, value	\$109.42	\$95.58	\$82.04	\$83.88
Shorts, value	\$123.15	\$123.86	\$183.37	\$188.68
Total receipts	\$2,034.88	\$2,092.38	\$1,921.68	\$1,917.85
Cost of wheat on track	\$1,673.34	\$1,636.35	\$1,507.30	\$1,354.56
Gross gain	\$361.54	\$456.03	\$414.38	\$563.29

Now, let us assume that the same products have been returned to the retail trade at Fargo and sold at the prevailing prices:

TABLE XXII.—Retail price at Fargo of mill products of wheat cited in Table XIX.

	Grade No. 1°.	Grade No. 2°.	Grade No. 3°.	Grade No. 4° (2).
Screenings	\$22.24	\$26.14	\$41.12	\$43.36
Straight flour	2,244.91	2,327.30	2,047.08	2,031.57
Bran	146.21	127.72	109.62	112.08
Shorts	145.11	145.95	216.08	222.33
Total receipts	2,558.47	2,627.11	2,413.90	2,409.34
Total gain	1,031.72	1,137.10	1,026.17	1,194.91

In the same manner let us consider the several other grades.

TABLE XXIII.—No. 4 northern (3) (60,000 pounds) and the wheats marked "feed" A, B, C, and D bought from farmer Oct. 14 at card value, \$1.24 per bushel.

	Grade No. 4 (3).	Feed A.	Feed B.	Feed C.	Feed D.
Dockage, per cent.	6.77	9.24	11.51	8.43	17.34
Clean wheat, bushels-pounds	932-18	907-36	884-54	915-42	823-36
Price per bushel	\$1.24	\$1.14	\$0.99	\$0.89	\$0.79
Value	\$1,156.05	\$1,034.39	\$876.05	\$814.97	\$653.01

If we ship the same wheat to Minneapolis, according to prices on the track, we should have the following:

TABLE XXIV.—Minneapolis value of wheat cited in Table XXIII.

	Grade No. 4 (3).	Feed A.	Feed B.	Feed C.	Feed D.
Dockage, bushels-pounds	67-42	92-24	115-6	84-18	173-24
Clean wheat, bushels-pounds	932-18	907-36	884-54	915-42	823-36
Price per bushel	\$1.39	\$1.28	\$1.28	\$1.28	\$1.28
Value	\$1,295.73	\$1,161.72	\$1,132.65	\$1,172.09	\$1,058.05
Less freight at 11 cents per hundred weight	\$66.00	\$66.00	\$66.00	\$66.00	\$66.00
Net value on track at Minneapolis	\$1,229.73	\$1,095.72	\$1,066.65	\$1,106.09	\$992.05
Gain	\$73.68	\$71.33	\$100.60	\$291.12	\$339.04
Value of screenings	\$27.42	\$37.42	\$46.62	\$34.14	\$70.23
Total gain	\$101.10	\$108.75	\$237.22	\$325.26	\$409.27

On the other hand, as in previous cases, let us assume that the wheat has gone into the mill, been converted into mill products, and sold at wholesale prices, as follows:

TABLE XXV.—Wholesale price of mill products of wheat cited in Table XXIII.

	Grade No. 4 (3).	Feed A.	Feed B.	Feed C.	Feed D.
Screenings, pounds	4,062	5,544	6,906	5,058	10,404
Value	\$27.42	\$37.42	\$46.62	\$34.14	\$70.23
Straight flour, value	\$1,627.58	\$1,537.17	\$1,490.96	\$1,530.21	\$1,327.05
Bran, value	\$103.04	\$100.94	\$109.39	\$110.57	\$109.54
Shorts, value	\$161.68	\$174.49	\$158.71	\$164.85	\$153.33
Total value	\$1,919.72	\$1,850.02	\$1,805.68	\$1,839.77	\$1,660.15
Cost of wheat on track at Minneapolis	\$1,295.73	\$1,161.72	\$1,066.65	\$1,106.09	\$1,058.05
Gross gain	\$693.99	\$688.30	\$739.03	\$733.68	\$602.10

As in the previous case, let us assume that the products have been returned to the retail trade at Fargo and sold at the prices prevailing, or had been purchased back by the farmer who grew the wheat, then for these respective grades we should have:

TABLE XXVI.—Retail price at Fargo of mill products of wheat cited in Table XXIII.

	Grade No. 4 (3).	Feed A.	Feed B.	Feed C.	Feed D.
Screenings	\$44.68	\$60.98	\$75.97	\$55.64	\$114.44
Flour	2,042.74	1,929.26	1,871.27	1,920.54	1,665.55
Bran	137.69	134.88	146.17	147.75	146.37
Shorts	190.51	205.61	187.02	194.25	180.67
Total receipts	2,415.62	2,330.73	2,280.43	2,318.18	2,107.03
Increased cost	1,259.57	1,205.34	1,404.38	1,493.21	1,454.02

SUMMARIZED STATEMENT.

Let us summarize more fully the data presented for the carload lots by taking the totals as received for the products at market value and show how much it has cost the farmer who brought in the carload of wheat at Fargo and purchased at market prices the mill products therefrom, as well as the intervening prices that prevailed at the terminal and as the wholesale prices for the mill products. The results will be as follows:

TABLE XXVII.—A carload of wheat from farmer to consumer.

Grade.	Price paid farmer.	Minneapolis price on track.	Mill products—	
			As whole-saled.	As retailed at Fargo.
No. 1 northern	\$1,526.75	\$1,607.34	\$2,034.88	\$2,558.47
No. 2 northern	1,479.01	1,570.35	2,002.38	2,627.11
No. 3 northern	1,387.73	1,441.30	1,921.68	2,413.90
No. 4 northern (2)	1,214.43	1,288.56	1,917.85	2,409.34
No. 4 northern (3)	1,156.05	1,229.73	1,919.72	2,415.62
A feed	1,034.39	1,195.72	1,850.02	2,330.73
B feed	876.05	1,066.65	1,805.68	2,288.43
C feed	814.97	1,106.09	1,839.77	2,318.18
D feed	653.01	992.05	1,660.15	2,107.03

In the above we have attempted only to follow through a concrete example of a carload of wheat so as to show more specifically what each grade would be valued at according to the system of grading and marketing prevailing in the several localities. In other words, then, the farmer who sold one carload of wheat, 60,000 pounds, at Fargo, and purchased back the mill products from the same, as returned from Minneapolis, pays for the transaction above the price which he received for his wheat for the several grades, as follows:

TABLE XXVIII.—Increased cost of mill products over price for wheat.

No. 1 northern	\$1,031.72
No. 2 northern	1,148.10
No. 3 northern	1,026.17
No. 4 northern (2)	1,195.41
No. 4 northern (3)	1,259.57
A feed	1,295.34
B feed	1,404.38
C feed	1,493.21
D feed	1,454.02

In other words, on an investment for low-grade wheat which costs, for a carload, less than one-half of that for a high-grade wheat, there was a total income very much greater than for the best wheat on the market. For example, in grade D feed, the carload cost \$653.01, as compared with \$1,526.75 for grade No. 1 northern; while the increase in selling price over that of the cost price for feed A wheat would be \$1,454.02 and only \$1,031.72 on the No. 1 northern. This would seem to lead back to the original question as given in our first bulletin, "Is the present system of grading wheat equitable?"

Mr. STAFFORD. Mr. Chairman, the phraseology is slightly different from that carried in the bill of last year under the Bureau of Plant Industry, and I wish to ask if there is a different character of work intended to be performed.

Mr. LEVER. Under the language carried in the present act the Department of Agriculture fixes the standards of grain. Now, that work is being carried on under the grain-standard act, and therefore is not necessary in this item at this time. We changed it so that none of this appropriation can be used for fixing standards.

Mr. STAFFORD. Then why is it necessary to increase the appropriation?

Mr. LEVER. I will yield to the gentleman from Missouri who had charge of that matter.

Mr. RUBEY. Under the grain-standard act passed last August, and which becomes effective the 1st of next December, corn grades have been fixed and promulgated, and it is necessary as far as possible to prepare the grades of wheat and oats and other products, and the department wants to get them prepared and promulgated as soon as possible. It requires additional help and additional work, and that is the reason for the increased appropriation.

Mr. STAFFORD. The gentleman states that the work carried in the appropriation of last year is going to be done under the grain-standards act?

Mr. RUBEY. The Secretary of Agriculture, under the law passed during the last session, is authorized to fix the standards, and this change of language has reference to fixing those standards.

Mr. STAFFORD. Then we may look forward to a reduction in this item after the department gets fully equipped in fixing the various grades?

Mr. RUBEY. Yes; after they have established the grade of wheat and oats, which will be done soon, I look for a considerable reduction.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Enforcement of the United States cotton-futures act: To enable the Secretary of Agriculture to carry into effect the provisions of the United States cotton-futures act, including all expenses necessary for the purchase of equipment and supplies; for travel; for the employment of persons in the city of Washington and elsewhere; and for all other expenses, including rent outside of the District of Columbia, that may be necessary in executing the provisions of this act, \$98,600.

Mr. BYRNS of Tennessee. Mr. Chairman, I move to strike out the last word for the purpose of getting some information from the chairman of the committee. I recall that another appropriation bill carries an item to enable the Commissioner of Internal Revenue to collect the tax on the sale of cotton futures, which is designed to prevent gambling in cotton futures. I want to ask the gentleman what connection there is between the work performed by the Internal Revenue Bureau and the Secretary of Agriculture. In other words, what does the Secretary of Agriculture have to do?

Mr. LEVER. Enforcement of the provisions of the cotton-futures act, except those provisions which relate to the matter of collecting the tax pure and simple, which, of course, must be done through the Treasury, is in the hands of the Secretary of Agriculture. All the regulatory provisions fixing standards, settling disputes which may arise on contracts are taken care of by the Department of Agriculture. The Treasury Department has only to do with the matter of collecting the tax. The

fact is, the Treasury Department does not have a great deal to do, although it must have its agent there, so that if any taxable contracts are dealt in, the tax may be collected. I may say that the gentleman who represents the Treasury Department in New York is a most capable gentleman and is doing splendid work. I have followed his work very closely.

Mr. MOORE of Pennsylvania. Will the gentleman from South Carolina yield?

Mr. LEVER. Certainly.

Mr. MOORE of Pennsylvania. Will the gentleman explain what became of the difficulty discussed last year about the New York court decision against the cotton-futures act?

Mr. LEVER. The gentleman will remember that in order to meet the court's decision to which he has referred, as far as possible, the cotton-futures act which had been held unconstitutional because it originated in the Senate rather than in the House, being a measure for taxation, was met by the reenactment of the cotton-futures act as a rider upon the Agricultural appropriation bill.

Mr. MOORE of Pennsylvania. And the question of holding over an estimate to defend the act no longer arises?

Mr. LEVER. No; I do not think the present act as it now stands has been questioned by anyone.

Mr. MOORE of Pennsylvania. There is an actual use for the \$98,600?

Mr. LEVER. Undoubtedly.

The Clerk read as follows:

Enforcement of the United States grain-standards act: To enable the Secretary of Agriculture to carry into effect the provisions of the United States grain-standards act, including such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary, in the city of Washington and elsewhere, \$519,140.

Mr. YOUNG of North Dakota. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 77, line 20, after the figures, add:

"Provided, That it shall be the duty of the Secretary of Agriculture to purchase and install an experimental flour mill and other apparatus and chemical and baking laboratories for the purpose of aiding him in establishing standards of quality and condition of wheat, barley, and other grains, as required by the act of Congress of August 11, 1916, known as the United States grain-standards act, and also for any purpose connected with the administration of said act."

Mr. LEVER. Mr. Chairman, on that I reserve the point of order.

Mr. YOUNG of North Dakota. Mr. Chairman, the figures that I gave a few moments ago did not pass entirely without challenge. They were not directly challenged, so far as I know, by any of the grain dealers in Minneapolis or elsewhere; but what is known as the organ of the grain dealers in that section of the country, the Northwestern Miller, poked a little fun at Dr. Ladd. They called him a pseudoscientist, but they did not show where his figures were wrong. I find this, however, that one of the largest milling concerns in Minneapolis, corroborated the work of Dr. Ladd in a communication which it sent out to the trade throughout the United States. This is what they said, according to the nonpartisan Leader, published at Fargo, which succeeded in getting hold of an original copy of the letter which was sent out. It reads:

The quality of the 1916 crop as milled by us is excellent. There will be a marked increase in the loaf volume.

This corroborates Dr. Ladd's statement that all of the D-feed samples were larger in loaf volume, every single one of the 43 samples. The letter continues:

The gluten content will be from 11 to 12 per cent, which is considerably larger than the 1915 crop.

That also corroborates the statement I made a while ago. Gluten and protein are used interchangeably.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of North Dakota. Yes.

Mr. STEENERSON. Did not the agricultural experiment station at Fargo make some investigation as to the relative amount of gluten in the high-grade wheat and also the lower grades?

Mr. YOUNG of North Dakota. Yes. They found in the 1916 crop, the so-called low-grade wheats had more gluten than the high grades. That is corroborated by this big milling concern. Then they go on to say:

The time of fermentation will possibly be one-half hour longer than last crop. Owing to extremely warm weather during the ripening period, the wheat has already gone through the sweat and, consequently, the difficulties often experienced in handling new wheat flour will not be noticed to any extent.

That sweating process was because of the peculiar crop conditions that made the wheat look shrunken in appearance, and the shrunken appearance is what the Minnesota authorities graded the wheat on last year. I claim that is wrong; they

ought to ascertain the real milling value by milling, chemical, and baking tests. The letter goes on:

The indications are that the absorption will be about 2 per cent to 3 per cent higher than the previous crop.

I showed you a few moments ago that 41 out of the 43 samples made from D feed were higher in absorption than from No. 1 northern.

So, Mr. Chairman, we have the work of Dr. Ladd corroborated by one of the largest milling concerns in the United States.

If I could get the time, I would like to tell you about how farmers are hauling the so-called feed for many miles to a mill in the State of my friend from Minnesota [Mr. STEENESSON] and bring home good flour for it at a cost of 15 cents per bushel.

As to the cost of putting in apparatus to do this work, it cost only twenty-five hundred dollars to install the plant at Fargo. I was present with the officials—former President John H. Worst and E. F. Ladd, chemist—at the time the work was done, and I recall distinctly that that was the cost. Dr. Worst was greatly interested and prophesied much for it. I have a letter from the Allis-Chalmers Manufacturing Co., of Milwaukee, that made the plant at Fargo, and they say that the price is the same, that they will put one in at Washington for twenty-five hundred dollars. I think there should be a few other small items added to it that probably would make the cost about \$3,000.

The chairman has made a point of order against the amendment. I would not be surprised if the Secretary of Agriculture has authority now to install apparatus. In the grain-standards act passed last year it was provided that \$250,000 would be available for the expenses of carrying into effect the provisions of the act, and the explanation in the committee report of this particular item in the bill before us reads in this way:

Grain-standardization investigations (p. 76, line 24): This item has been transferred from the Bureau of Plant Industry. The language has been amended so as to eliminate the authority to fix standards. There is an apparent increase in the item of \$17,820, but as \$3,060 has been transferred to the statutory roll, there is an actual increase of \$20,880. This sum will be used to facilitate the investigations looking to the determination of the standards required under the grain-standards act.

It seems to me as though the Secretary, if the point of order made against my amendment is sustained, has authority now under the appropriation made at the last session and the appropriation now being made to include any necessary apparatus in the shape of an experimental mill at a cost of \$3,000 or so.

Mr. LEVER. Mr. Chairman, I regret to have to make the point of order. I make the point of order that it is not authorized by law.

Mr. YOUNG of North Dakota. Mr. Chairman, I would like to ask the gentleman a question. Is it the opinion of the chairman of the committee that the Secretary of Agriculture now has authority to use the appropriations made at the last session or the one being made now to buy the necessary apparatus to make these tests?

Mr. LEVER. I do not think that the Secretary of Agriculture has the authority to establish a laboratory for baking purposes or a flouring mill.

Mr. YOUNG of North Dakota. I am directing my question now to purely experimental purposes, to ascertain the milling value of wheat grown in the United States.

Mr. LEVER. I am very candid with the gentleman. I think his amendment goes far beyond the purview of the law.

Mr. YOUNG of North Dakota. Is it not the purpose of the grain-standards act to authorize the Secretary of Agriculture to fix standards of quality?

Mr. LEVER. Yes.

Mr. YOUNG of North Dakota. Grades for grain sold in the United States.

Mr. LEVER. That is one of its purposes, of course.

Mr. YOUNG of North Dakota. If you do not pass this amendment, or if a narrow interpretation is given to existing law, the Secretary of Agriculture will be confined only to what he can weigh on scales, see with his eyes, and feel with his hands.

Mr. LEVER. Of course, if the Secretary of Agriculture feels that he must have a flour mill and a bakery and all these things in order that he may establish standards; he will come to the committee and make that report, but until he does that the committee would feel that it ought not to allow this to go through.

Mr. YOUNG of North Dakota. I am asking the chairman now whether, if this is voted down, the Secretary will not still have under existing law permission to go ahead?

Mr. LEVER. I do not think so.

Mr. MOSS. I would like to ask the chairman if there is any more need for the establishment of a flour mill and a bakery in order to establish standards for wheat than for corn or any other product?

Mr. LEVER. I do not think so. That is a matter of judgment. I do not think the grain-standards act authorizes him to go so far in machinery as to establish a flour mill or a bakery.

Mr. YOUNG of North Dakota. I am not asking for a commercial flour mill, but a small mill to grind samples of wheat. The farmers were assured last year that the grain-standards act would bring them relief from crooked State-grain inspection systems. If the Secretary of Agriculture has not the authority now or is not given authority to proceed along scientific lines, the farmers in their marketing of grain will be simply jumping from the frying pan into the fire.

Mr. LEVER. That is a matter we will consider. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word in order to inquire of the gentleman from South Carolina as to the number of persons employed by the Secretary of Agriculture to carry into effect the provisions of the United States grain-standards act. That act as written originally—

Mr. LEVER. Would the gentleman from Pennsylvania direct his inquiries to the gentleman from Missouri [Mr. RUBEN], who is the author of this legislation and in charge of this matter?

Mr. MOORE of Pennsylvania. I shall be very glad to do it. I call the attention of the gentleman from Missouri to the fact that \$519,240 is provided, half a million dollars, to enable the Secretary of Agriculture to employ such persons and means as he may deem necessary to carry out the grain-standards act.

Mr. RUBEN. The Secretary of Agriculture in his estimates figures that he will need something like 218 men to put this act into force.

Mr. MOORE of Pennsylvania. Are they all specialists?

Mr. RUBEN. Some of them; a great many of them will be specialists.

Mr. MOORE of Pennsylvania. Will they come in under the civil service?

Mr. RUBEN. They are all under civil service.

Mr. MOORE of Pennsylvania. Have their salaries been fixed?

Mr. RUBEN. The salaries have been fixed in a way. They run from \$1,200 up to, in one case, \$3,500; but so far only one man has been employed at a salary of \$3,500. The higher salaries will average about \$3,000.

Mr. MOORE of Pennsylvania. The average will be \$3,000?

Mr. RUBEN. I say, the high-grade salaries will be about \$3,000. There are three men now employed at \$3,000 or a little above.

Mr. MOORE of Pennsylvania. The Secretary has recently issued Bulletin No. 17, "service and regulatory announcements relative to United States grain-standards act," in which he gives the names and addresses and the districts of persons recently licensed to act as inspectors of grain. How are those persons paid?

Mr. RUBEN. Those persons are paid in this way: Where they are employed under the State they are paid by the State. Where they are employed under boards of trade or chambers of commerce they are paid by those organizations. They are not paid by the United States Government.

Mr. MOORE of Pennsylvania. They are not paid by the Government?

Mr. RUBEN. No.

Mr. MOORE of Pennsylvania. At least 250 of these men are already licensed?

Mr. RUBEN. There are about 300 licensed.

Mr. MOORE of Pennsylvania. About 300 altogether. What about the supervisors?

Mr. RUBEN. There are about 39 trade centers where eventually one or more supervisors will be located. Up to the present there are 32 places where supervisors will be placed. For convenience in supervision the country has been divided into eight districts, and in each of these eight districts a very high-grade supervisor will be placed, who will have general supervision over the inspection in his district. Of the 32 places in the United States at which there will be supervisors there are 3 places—Chicago, Minneapolis, and Kansas City—where there will be as many as two assistant supervisors, and there are 15 places where there will be one assistant supervisor. Now, as I said before, there will be a general supervisor in each one of these eight districts who will supervise all the inspections in those districts.

Mr. MOORE of Pennsylvania. To be worked up in pyramid form, as it were. What will be the salary of the general supervisors, those at the top?

Mr. RUBEN. From \$3,000 to \$3,500.

Mr. MOORE of Pennsylvania. These are not fixed by law but by the Secretary of Agriculture?

Mr. RUBEEY. By the Secretary of Agriculture.

Mr. MOORE of Pennsylvania. The other supervisors in the 32 stations will receive what salaries?

Mr. RUBEEY. Their salaries are fixed by the Secretary of Agriculture, and they will be in the neighborhood of from \$2,000 to \$3,000.

Mr. MOORE of Pennsylvania. May I ask the gentleman whether the major portion of this \$519,140 will go for salaries?

Mr. RUBEEY. For salaries and traveling expenses and rents and things of that sort. I will say this to the gentleman, that the work of these supervisors is done in the large cities and offices in large cities cost quite a good deal of money, and the expense item in maintaining offices where these supervisors will do their work is necessarily high.

Mr. MOORE of Pennsylvania. They are all new places?

Mr. RUBEEY. They are all new places. In one or two cities they have been able to get rooms in a Government building, and in cases of that kind there will be no rent to pay.

Mr. MOORE of Pennsylvania. Have any of these supervisors generally, or in the 32 places, come from boards of trade or exchanges?

Mr. RUBEEY. They have come from boards of trade and from State departments, and by the appointment of men who have been in the grain business for many, many years.

Mr. MOORE of Pennsylvania. As a matter of fact, in taking over this new branch of Government service, we have also taken over a number of employees of fixed institutions?

Mr. RUBEEY. Yes.

Mr. MOORE of Pennsylvania. And the Government will now pay their salaries? That is the fact?

Mr. RUBEEY. They will pay the salaries of the supervisors.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ALEXANDER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10384) entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States."

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Administration of the United States warehouse act: To enable the Secretary of Agriculture to carry into effect the provisions of the United States warehouse act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary, in the city of Washington and elsewhere, \$59,620.

Mr. MOORE of Pennsylvania. I move to strike out the last word. I would like to ask a few questions as to persons and means to be employed by the Secretary of Agriculture to carry out the purposes of the United States warehouse act, for which \$59,620 is appropriated. How many men will be engaged in this work?

Mr. LEVER. Mr. Chairman, I will say to the gentleman from Pennsylvania that the enforcement of the warehouse act has progressed so little thus far that what I would say to him would be almost a rough guess. The committee accepted, in view of this situation, the recommendation of the department on it, with the feeling that they themselves could not very well tell how many men they would need in this service. The warehouse act is just beginning to be organized within the past week, and these estimates were made up some time ago, as the gentleman knows.

Mr. MOORE of Pennsylvania. The department asks for approximately \$60,000 to begin the work?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. And the committee has recommended approximately that amount?

Mr. LEVER. We recommended what the department asks, which is a small increase in the amount carried in the bill. The act itself carries an appropriation of \$50,000.

Mr. MOORE of Pennsylvania. The Secretary will fix the salaries in this instance as in the Government grain-grades act?

Mr. LEVER. Precisely.

Mr. MOORE of Pennsylvania. Will they come up through the civil service or be appointed originally?

Mr. LEVER. They will be appointed originally under civil-service examination.

Mr. MOORE of Pennsylvania. Can the gentleman indicate what their salaries will be? I am asking this because this is a

peculiar bill, although a very important one, in that appropriations are made in a lump sum and there is no way to ascertain just what men are receiving or what they ought to receive unless we ask these questions at this time.

Mr. LEVER. Certainly. The salaries under this item, as I gather it from the gentlemen who are in charge of the act, will range from \$3,600 down to about \$2,000 in the supervisory positions.

Mr. MOORE of Pennsylvania. What kind of employees will be necessary to earn \$3,000 or thereabouts?

Mr. LEVER. The man who would draw a salary of \$3,000 or \$3,500 ought to be a man who possesses not only a great deal of technical skill in the grading and classing of cotton and other farm products mentioned in this act, but he also ought to have considerable executive and administrative ability.

Mr. MOORE of Pennsylvania. How many employees have been necessary up to date?

Mr. LEVER. I am inclined to think there have not been more than one or two in this work. They have just organized. This is simply a case of trusting the good judgment of the department.

Mr. MOORE of Pennsylvania. It is all new work, and these are new places created or to be created?

Mr. LEVER. New work; yes, sir.

The Clerk read as follows:

Total for Bureau of Markets, \$1,670,075.

Mr. MANN. Will not the gentleman from South Carolina ask unanimous consent that the Clerk be authorized to correct the total? There should be a correction here.

Mr. LEVER. Yes. But before doing that, Mr. Chairman, I ask unanimous consent to return to page—

Mr. MANN. Let us get the authority to correct the total.

Mr. LEVER. I ask unanimous consent first, then, that the Clerk be authorized to correct the totals.

Mr. MANN. Throughout the bill.

Mr. LEVER. Yes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the Clerk be authorized to correct the totals throughout the bill. Is there objection?

There was no objection.

Mr. LEVER. Now I ask unanimous consent to return to page 36, line 24, in order to offer an amendment to correct an error.

Mr. HAWLEY. That has already been done, has it not?

Mr. LEVER. Yes; but we have to reinsert it.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Page 36, line 24, in lieu of "\$6,009" insert "\$16,009."

Mr. LEVER. Mr. Chairman, the committee will remember that the bill provided for \$16,009 for the Oregon Forest. The Book of Estimates, which is before the committee, carries \$6,009. Acting upon the assumption that the estimate was correct, I asked to correct the bill. The gentleman from Minnesota called the attention of the committee to it. Now I have information, through a letter from the Chief of the Forest Service, that the amount in the estimate was incorrect, and not the amount in the bill, so that the bill ought to carry \$16,009 for the Oregon National Forest. I ask unanimous consent to make that correction. That is just what is printed in the bill.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to return to the item on page 64, lines 10 to 13, with a purpose of offering the amendment which I submitted to the committee this morning, and which was temporarily passed over at the request of the gentleman from Mississippi [Mr. CANDLER].

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STAFFORD. I now offer the amendment, to follow line 13, page 64. It is in the hands of the Clerk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 64, to follow line 13, insert the following: "The Secretary of Agriculture is hereby authorized to enter into contracts for the erecting of modern fireproof buildings for the use of the Department of Agriculture for a period not to exceed five years, renewable at the option of the Government for an additional period not exceeding five years, at annual rentals not to exceed the amount herein appropriated at a rate per annum per square foot of available floor space not to exceed 34 cents."

Mr. HAUGEN. Mr. Chairman, I reserve a point of order on that.

Mr. MANN. I reserve a point of order.

The CHAIRMAN. The gentleman from Iowa and the gentleman from Illinois reserve a point of order,

Mr. STAFFORD. Mr. Chairman, this amendment is in the same phraseology, virtually, as that carried in the legislative, executive, and judicial appropriation bill of last year, conferring authorization upon the Attorney General and the Secretary of Labor to rent buildings for a term of years, except that the rental has been changed from 36.3 cents to 34 cents per square foot.

The reason for the modification is that the Secretary of Labor has been enabled to enter into a contract under these terms at a rental of less than 34 cents—namely, 33.3 cents—and the Attorney General has been enabled to enter into a contract for a building which I regard as the best private office building recently constructed for the use of the Government, at Vermont Avenue and K Street, at 34 cents. The Department of Agriculture has been renting modern office buildings at rates under terms of merely one year. They have not been able to secure as good terms from the owners because of the restricted terms. This amendment, I hope, will enable the Government to obtain the same liberal and reasonable terms to the Government as have been secured by the Department of Justice and the Department of Labor for their use.

We are acquainted with the building specially constructed for the use of the Bureau of Chemistry, which can not compare, either in construction or architectural beauty, with the fine office building that is just about to be opened for occupancy by the Department of Justice, a building with two stories finished with sandstone, and upper stories finished in modern style. The buildings that will be used by the Department of Justice will be in a neighborhood where the valuation of land is not nearly so high as that of those that have been constructed for the use of the other departments of the Government, and I really believe that the Secretary of Agriculture, under these terms, permitting him to enter into a contract for at least five years, renewable at the option of the Government for another five years in case the Government needs the building for that extended period, will be enabled to obtain for the Government quarters at much less than 30 cents per square foot. This amendment is along the line of economy, and I hope there will be no objection to its adoption.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HAUGEN. Can the gentleman give the House any information as to what is proposed to be done or where these buildings are to be constructed?

Mr. STAFFORD. The gentleman from Mississippi [Mr. CANDLER] on Saturday obtained unanimous consent to insert in the Record the letter of the Secretary of Agriculture containing data as to the cost of present space used by the various bureaus of the Department of Agriculture, which is found on pages 1091 to 1094 of the Record. In that letter the Secretary of Agriculture points out that at the present time for quarters for the work of the grain standards we are paying as high as \$1.12 per square foot in the Munsey Building. That, it is true, includes the cost of care, upkeep, and elevator service, whereas this rate of 34 cents would be merely for the rental of the floor space, with the upkeep to be borne by the department.

It is the desire of the Secretary of Agriculture to withdraw these activities from these high-priced, down-town office buildings into a rented building near the department. Saturday afternoon, after the adjournment of the House, I happened to walk, as is my wont, through the Mall, and there I saw preparations being made, I assumed, for the erection of a building for the use of the department, right east of the present Agricultural Department building, the ground being all fenced in.

Mr. HAUGEN. How far from the department building?

Mr. STAFFORD. Immediately east of the department building. Whether it is to be used for that purpose I can not say. It seemed to me that it was on Government property, and it was all fenced off, had a large derrick and the necessary construction to chute the fluid concrete down into the reinforced forms, and ready to go ahead. Whether that is so or not, I do not know, but it is the intention of the Secretary to obtain contracts from owners near the present quarters, so as to have all the activities of the Agricultural Department focused around the present departmental building and withdrawn from the high-priced, rented private buildings down town. That is his policy.

The Department of Justice have secured floor space of 120,000 square feet in this new building at Vermont Avenue and K Street, enabling them to center all their activities in one building. Prior to this time they have been in four or five buildings scattered throughout the city, distant from the office of the Attorney General, and in some instances paying as high rental as \$1 or more per square foot, such as is paid in the Southern Building. Any person who is in favor of this economy will favor this proposition. It is along the lines recommended by the

Secretary of Agriculture, and we all know that that department has had considerable additional activities thrown upon it by the warehouse act and the grain-standards act, which have required additional room. They have not that available space at present, and must necessarily have gone into the new office buildings, such as the Munsey Building.

Mr. CANDLER of Mississippi. Mr. Chairman, the situation in reference to the buildings of the department is clearly stated in the letter of the Secretary of Agriculture on page 1091 of the Record of last Saturday, January 6, 1917.

There is a \$20,000 increase provided for in the bill, and the Secretary of Agriculture says that the object of this \$20,000 increase in rent is to concentrate the buildings of the Agricultural Department. He says:

If the increase of \$20,000 in the rental appropriation is granted, therefore, the department intends to make every effort to secure a building of considerable size. If it can secure a new, modern, fireproof office building providing, say, 100,000 square feet of floor space, this will not exceed our immediate present needs. The Office of Markets, with the cotton standards, grain standards, and warehouse legislation to execute and no quarters for the additional employees needed, has been forced to rent high-priced offices in the Munsey Building away from the bureau headquarters; the Forest Service is seriously hampered for space; certain units of the States Relations Service are crowded to a point where efficient work is almost impossible; and the Bureau of Chemistry, the Bureau of Biological Survey, the Federal Horticultural Board, and other branches of the department are in urgent need of more room. The department feels very strongly that its plea for immediate relief, represented by the \$20,000 increase proposed in the rent fund, is thoroughly justified by actual present conditions, and that it can not properly execute the tasks laid upon it by Congress without such relief.

He states further in this letter:

In conclusion, I wish to lay before you a few figures to indicate something of the growth of the Department of Agriculture in recent years. The new buildings known as laboratories A and B were authorized in 1903, and for that fiscal year the total appropriations to the department were \$5,015,846. The buildings were completed and occupied in March, 1908. For that fiscal year the total appropriations were \$13,037,802, of which \$12,595,502 was actually disbursed. The department had outgrown the new buildings before they were completed. Since 1908 the growth has continued, and for the fiscal year 1917 the total appropriations are \$36,128,852, or nearly three times the disbursements in 1908. The disbursements for rent in 1908 were \$65,705, and for 1917 will be about \$142,000, or about two and one-quarter times what they were in 1908. The appropriation for rent has therefore not kept pace with the growth of the department, and the result is a serious overcrowding in many bureaus.

The Secretary further states that the average rental per square foot gross is 30 cents a square foot throughout this department. The average rental in the other departments of the Government is, in the State Department 49 cents per square foot, in the Treasury Department 35.3 cents, in the Navy Department 37 cents, in the Interior Department 35.4 cents, in the Post Office Department 34.5 cents, in the Department of Justice 41.2 cents, in the Department of Commerce 35 cents, in the Department of Labor 35.8 cents. So it shows that the amount paid by the Agricultural Department is lower, on the average, than is paid by any other department.

This amendment provides that the amount of the expenditure for annual rental shall not exceed the amount herein appropriated—that is, \$143,689—and it would give the Secretary of Agriculture authority to lease modern fireproof buildings for the use of the Department of Agriculture for a period not exceeding five years, renewable at the option of the Government for an additional period of not exceeding five years. The rate per annum per square foot of available floor space is not to exceed 34 cents. Therefore they would not have any authority to go above 34 cents, and, of course, the Department of Agriculture would make the best trade possible, and would secure the necessary floor space at less than 34 cents per square foot if it was possible for them to do so.

Mr. FESS. Will my colleague yield?

Mr. CANDLER of Mississippi. Yes.

Mr. FESS. I am wondering why we do not build instead of scattering the activities of the various departments in rented buildings.

Mr. CANDLER of Mississippi. I am going to reach that. If the Department of Agriculture should be able to make a contract for a fireproof building at 34 cents, it would be at figure less than is being paid by the other departments of the Government. If the department should be able to make additional contracts at the rate they are now paying, it would be 30 cents per square foot.

There is no question but what the department requires these buildings. There is no doubt about that in the world, because the Secretary of Agriculture states in the letter which he wrote to me that the department had already outgrown the main buildings before the construction of them was completed and before the department had an opportunity to occupy them. They are paying rent in the Munsey Building at \$1.12 per square foot.

The CHAIRMAN. The time of the gentleman has expired.
Mr. CANDLER of Mississippi. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. CANDLER of Mississippi. In many parts of the country the rent is higher even than that. In Boston the rent is \$2.22 per square foot, where it is necessary to acquire floor space for an office to carry on investigations under the grain-standards act. Therefore, as was said a moment ago by the gentleman from Wisconsin, this provision is in the interest of economy and will result in economy to the Government if adopted.

The department has been anxious for years to secure enactment of just such a provision as this. They have had it in former bills, but it went out on a point of order, as it will go out now if insisted upon, but I trust that my splendid and genial friend from Iowa, who is always in favor of economy and the improvement of the service, will not insist on his point of order, but will let the House have an opportunity to vote on this proposition.

The question was asked a moment ago by the gentleman from Ohio why we do not build buildings instead of renting them. I am frank to say to my good friend that I favor building all the buildings that are necessary for the use of the Government of the United States. There is not a business man in the country who has the money or who could secure it at a reasonable rate of interest but would construct buildings for the transaction of his business rather than continually rent them, because the hardest money to pay is rent money, and when you once pay it it is gone and you have no interest in the building and have no benefit to be derived from it after the expiration of your term of rental. Therefore I believe that we should exercise good business judgment if we would build buildings for every department of the Government in the city of Washington.

Mr. MANN. Will the gentleman yield?

Mr. CANDLER of Mississippi. Yes.

Mr. MANN. Does the gentleman think we ought to finish the present agricultural building between the two wings that have been built?

Mr. CANDLER of Mississippi. I certainly do.

Mr. MANN. I think if the powerful Committee on Agriculture would put its shoulder to the wheel it could get an amendment to the public-building bill for that purpose.

Mr. CANDLER of Mississippi. I would be willing to put my shoulder to the wheel to bring it about, if possible to do so.

Mr. TOWNER. Will the gentleman yield?

Mr. CANDLER of Mississippi. Certainly.

Mr. TOWNER. I have heard it stated several times within the last three or four years that contracts have been made by the Government for a building for the use of the Government and that the rentals have paid for the building itself within a period of 10 years. Is that within the belief and knowledge of the gentleman, who has paid some attention to that matter?

Mr. CANDLER of Mississippi. I have not the information on that point. Now, I want to make one further statement and I am through, and that is that the Secretary of Agriculture himself—and I speak by authority—is anxious to have this provision put in the bill. I have communicated with the Agricultural Department, and if this is adopted it will not only meet his approval but he is exceedingly anxious that it should be adopted in order that he may bring about convenient location and concentration of the buildings occupied by that department; and, further, that if adopted it will result in economy and the saving of money to the Government.

Mr. HAUGEN. Mr. Chairman, I infer from the statement of the gentleman that the object now is to construct a building on the site selected for a department building, as was done three or four years ago, when a six or seven story building was erected south of the department building on a site selected for a department building.

Mr. STAFFORD. I stated that I had no knowledge, except I noticed while casually walking through the Mall last Saturday afternoon that they are proceeding with the construction of a building on what I believe is Government property. If the gentleman is acquainted with the letter from the Secretary of Agriculture concerning the item as carried in the appropriation bill, he will realize that without this amendment the Secretary of Agriculture intends to rent a building, under an annual lease, because he says if you grant him the \$20,000 additional he will proceed to enter into a contract for a modern fireproof building. What would the contract be? Only for a year. My amendment is only for the purpose of trying to secure a lower rate, authorizing him to enter into a contract for five years, which will en-

able him to secure a lower rate. The purpose of the gentleman from Iowa will not be accomplished by making a point of order. The only purpose obtained by him, if he succeeds in his point of order, will be to obtain a higher rate.

Mr. HAUGEN. Mr. Chairman, as I have said, if it is the purpose to erect a building on the site or in the immediate vicinity of the site selected for a department building, I feel compelled to make the point of order. If it is contemplated to enter into a contract to hire a new building, I trust the Secretary will exercise better judgment than he did four years ago in hiring a building constructed on the site selected for a department building, and which, of course, will defeat the plan of constructing a department building in the near future.

Mr. CANDLER of Mississippi. The gentleman refers to the building across the street?

Mr. HAUGEN. Yes; I believe it is called the Bieber Building, on the site selected for the department. I understand it is the purpose to put a building on the other corner, which will defeat the plan of building a department building in the near future.

Mr. CANDLER of Mississippi. Would it not be an enlargement of the present building?

Mr. HAUGEN. The building that was built three or four years ago would have to be torn down and necessitate paying for it, thus incurring an additional expense of several hundred thousand dollars. I take it that no one would construct a building at an expense of several hundred thousand dollars with a lease for one year, although they might with a lease for five or six years.

Mr. STAFFORD. The gentleman realizes that we must trust the heads of departments to exercise some discretion, and that they will do nothing contrary to public policy. The Secretary under the authorization, without the amendment, of course, could go ahead and rent a modern fireproof building, to utilize the \$18,000 now paid for use of the Forestry Service, with \$20,000 additional, and enter into a contract for one year—and we know that the owner would have the contract for several years to come—and in the new building merge the several activities now carried on in outside quarters. This amendment only enables the Government to secure better terms.

Mr. HAUGEN. If the gentleman will give assurance that the building will not be constructed on the site or in its immediate vicinity, I shall withdraw the point of order, but I object to putting up any further buildings on the location selected.

Mr. STAFFORD. I can give the gentleman this assurance, that under that authorization carried in the bill he will go ahead and, as stated in his letter, enter into a contract for a modern building, and this amendment will merely enable him to get better terms.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman be granted five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, the gentleman from Iowa referred to property just south of the Agricultural Building.

Mr. HAUGEN. Exactly.

Mr. MANN. As a site selected for the Agricultural Building?

Mr. HAUGEN. Yes.

Mr. MANN. That is news to me. Who selected that site, when was it selected, and by what authority?

Mr. HAUGEN. That was selected at the time when Col. Roosevelt was President of the United States, and, as the gentleman knows, instead of putting up a complete department building they put up two wings over there, and, of course, the plan was to complete it at some future time.

Mr. MANN. But I do not think those plans contemplated going across the street.

Mr. HAUGEN. I was so informed by the Secretary of Agriculture, and by different people in the department.

Mr. MANN. I think that is an error. The plan contemplated a building to be constructed between the two wings.

Mr. HAUGEN. Oh, the main entrance—that is true.

Mr. MANN. No; the other. I do not think they contemplated going across B Street SW.

Mr. HAUGEN. It is exactly what was contemplated, a square building with a large court.

Mr. MANN. I quite agree with the gentleman that it would be desirable to have a new Agricultural Building, but I doubt whether it would be desirable to close up B Street.

Mr. HAUGEN. That is why I am objecting to these leases, and, as I have said, if the gentleman can give me any assurance that the buildings to be constructed are not to be constructed on the site or in its immediate vicinity, I will withdraw

my point of order. This is a matter that has been before Congress for a number of years. We have succeeded heretofore in defeating it, and I trust it will be defeated now.

Mr. CANDLER of Mississippi. Mr. Chairman, I am not authorized to speak with certainty, but I think the gentleman can be assured that if the ultimate authority is given in this provision that is pending no building will be permitted to be constructed or leased by the Agricultural Department upon any site where it is contemplated to build the agricultural building, because we expect to finish that building some of these days, and I hope it will be done very soon. I am frank to say, as suggested by the gentleman from Illinois a moment ago, that I have no information myself that this building across the street is on that site, or that it was contemplated that the agricultural building when completed would cross B Street SW. so that part of it would be constructed on the other side, thereby crossing the street car track that runs along that street. I do not think that that would be done, but if it was contemplated originally under the plan as suggested by the gentleman, permit me to say that that is now barred by the statute of limitations and I do not think that we would be permitted to have it done.

Mr. LEVER. Mr. Chairman, does the gentleman make the point of order?

Mr. HAUGEN. I shall have to insist upon the point of order unless I can have some information as to where this building is to be constructed.

Mr. STAFFORD. Would the gentleman be satisfied if we placed a limitation upon the amendment to the effect that no contract or lease shall be entered into for a building to be erected on property on which it is contemplated to construct a Government building for the Department of Agriculture for which plans have been prepared?

Mr. HAUGEN. I shall not object to it if you put that limitation on.

Mr. CANDLER of Mississippi. What is that?

Mr. STAFFORD. A limitation that no contract or lease shall be entered into for a building to be constructed on property on which it is contemplated to construct a building for which plans have been prepared for the Department of Agriculture.

Mr. CANDLER of Mississippi. I have no objection to that.

Mr. HAUGEN. I suggest that the gentleman get the desired necessary information so that he can inform the House exactly what it is proposed to do.

Mr. STAFFORD. Mr. Chairman, if the gentleman will yield, if the gentleman had read the letter of the Secretary of Agriculture printed in the RECORD of Saturday, he would have come to the conclusion that under the amount now carried in the appropriation bill the Secretary of Agriculture has authority to enter into a contract of lease and intends to enter into a lease for one year for a modern fireproof building to merge the activities of the department, and it is common sense that if the Secretary of Agriculture enters into a contract for but one year, he can not get as favorable terms as if he entered into a contract of lease for a longer period. The amendment I propose is for that purpose, and nothing more.

Mr. HAUGEN. If we are to discuss common sense, then we will move part of the department to the Maltby Building. Furthermore, I suggest that the department should take some notice of the direction given by Congress.

Mr. STAFFORD. If the gentleman was as well acquainted with general matters—

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. If the gentleman from Iowa was as well acquainted with conditions pertaining to the Maltby Building as he is generally with matters pertaining to the Government, he would know that Congress authorized the razing of that building.

Mr. HAUGEN. The gentleman from Iowa knows that Congress two years ago decided that it should not be demolished; the Agriculture bill was so amended in the Senate and conference.

Mr. STAFFORD. A provision was carried in one of the appropriation bills last year authorizing the razing of the building.

Mr. HAUGEN. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 64, at the end of line 13, insert as a new paragraph as follows: "For the completion of the Agriculture Department building, \$2,000,000."

Mr. LEVER. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. KENT. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I ask unanimous consent to proceed for two minutes out of order.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KENT. Mr. Chairman, I ask the Clerk to read the following resolution in my two minutes.

The Clerk read as follows:

House resolution 436.

Whereas there has been undue and unnecessary friction between the correlative branches of Government located respectively in Wall Street, N. Y., and Washington, D. C.; and

Whereas the Washington branch held the opinion that peace was to the advantage of the Nation and the world, where Wall Street more largely profited by a state of war; and

Whereas the President of the United States in ignorance or heedlessness of Wall Street interests, did humbly ask the nations at war whether in their respective views it might not be well to consider the possibility of desisting from slaughter; and

Whereas it has been alleged that rumors of such diabolical questioning reached some of the speculators of Wall Street before it reached others, to the result of inequality of profit among said speculators: Now, therefore, be it

Resolved, etc., That all rumors of such leakage of information be pursued to their lairs and that the Rules Committee of the House examine all brokers, newspapers, ticker tapes, secretaries, stenographers, Members of the House and Senate, and all sources of news, rumors, and lies, including all liars, ancient, modern, and prehistoric; and further be it

Resolved, That out of the contingent fund of the House be paid all losses accruing to speculators in Wall Street stocks for the week of December 18 to December 24, 1916; and furthermore be it

Resolved, That the President and each and every Representative, Senator, Cabinet officer, stenographer, and clerk be assessed one month's pay toward the restitution aforesaid; and be it further

Resolved, That it shall not happen again.

Mr. LEVER. Mr. Chairman, if the gentleman offers that as a new paragraph to the bill, then I make a point of order on it.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

To enable the Secretary of Agriculture to meet the emergency caused by the existence of the pink boll worm of cotton in Mexico and the movement of some 500 carloads of cotton seed from the infested districts in Mexico to milling points in Texas and elsewhere, and to prevent the establishment of such insect in Texas or in any other State by providing for adequate inspection and the employment of all means necessary, under rules and regulations to be prescribed by him, to prohibit the movement of cotton and cotton seed from Mexico into the United States, including the examination of baggage and railroad cars or other means of conveyance and the cleaning and disinfection thereof; to inspect mills in Texas or elsewhere in the United States to which Mexican cotton seed has been taken for milling; to supervise the destruction, by manufacture or otherwise, of such seed and the thorough clean-up of the mills and premises; to conduct local surveys and inspections of cotton fields in the vicinity of such mills and ports of entry in order to detect any instances of local infestation, and to determine and conduct such control measures in cooperation with the State of Texas, or other States concerned, as may be necessary to stamp out such infestation, including rent outside of the District of Columbia, employment of labor in the city of Washington and elsewhere, and all other necessary expenses, \$50,000, available immediately and until expended.

Mr. STAFFORD. Mr. Chairman, I make the point of order on the paragraph, or I will reserve the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Will the gentleman from Pennsylvania permit me to dispose of this matter; then he can find a place?

Mr. MOORE of Pennsylvania. Certainly.

Mr. STAFFORD. Mr. Chairman, I wish to state to the committee that the message from the Secretary of Agriculture to Congress acquainting it with the condition to which this item refers has been referred to the Committee on Appropriations. That committee has jurisdiction of deficiency appropriations, or appropriations of a character like this, and will undoubtedly give consideration to this matter. Under those circumstances, unless the gentleman can advance some good reason, I will be constrained to make the point of order.

Mr. LEVER. Mr. Chairman, if the gentleman is going to make the point of order—of course I recognize the fact that this is a deficiency appropriation and is subject to the point of order, but I desire to say to the gentleman that which he knows, that this item was estimated for in a supplemental estimate which was referred to the Committee on Agriculture, at least the letter of the Secretary was. The committee at that time was in session, had not completed its bill, and the chairman of the committee had information before the estimate was submitted that it was to be submitted, and when Dr. Marlatt, who has charge of the work of the Horticultural Board, was before the committee the committee undertook to get some information from Dr. Marlatt in regard to the pink boll-worm situation.

Now, while I recognize the fact that we have transgressed the rules of the House in bringing in a deficiency appropriation, at the same time this work is being done by the department and

is of a character that is really in the province of the Committee on Agriculture; and, in addition to that, if the gentleman will permit me, it was brought to the attention of the committee that the seriousness of this situation had not been brought to the notice of the Department of Agriculture until the 1st of November, 1916, long after the estimates had been submitted. I would say further that from information we had the pink boll worm is regarded by the experts of the department as being even more destructive to cotton, if that is possible, than the boll weevil itself. This is a worm that immigrated, I presume you might say, from India to Egypt, and through the dissemination of Egyptian cotton it has spread into all parts of the world except North America, and the department had not discovered, as I said a moment ago, until November of last year that it had reached North America and was now present in the cotton of Mexico. It has also been discovered that from the infected region in Mexico there has come into Texas probably 400 tons of cotton seed—

Mr. HAWLEY. Five hundred carloads.

Mr. LEVER. Four hundred carloads of cotton seed, which are being ground and pressed by the Texas cotton-oil mills. The purpose of this proposal here is to enable the department not only to quarantine against further importations of cotton or cotton seed from Mexico so as to make a quarantine against Egypt, India, and the balance of the world, but at the same time to give authority to supervise and clean up all the cottonseed oil concerns into which these infected seed have gone. It is not certain, by any means, that the seed are infected, but they come from an infected district, and the seriousness of the situation is so great that the department felt and the committee unanimously felt that we ought not to take any risks with it; and therefore we submitted it in this shape. Of course I realize it is subject to the point of order, but I hope the gentleman will not press it.

Mr. STAFFORD. Mr. Chairman, the gentleman acknowledges it is a deficiency appropriation.

Mr. LEVER. Oh, undoubtedly.

Mr. STAFFORD. I do not question the exigency or character of the condition requiring the attention of the Department of Agriculture, but we have a committee on appropriations which brings in deficiency bills from time to time carrying emergency appropriations, and I do not question but what if the case is exigent and if the matter is presented to the Committee on Appropriations, as the communication in reference to this matter has been so referred, that it would be embodied in the next emergency deficiency bill, which bill will very likely become a law before this bill is enacted into law. Therefore I make the point of order.

Mr. LEVER. I concede the point of order.

The CHAIRMAN. Was the point of order made on the whole paragraph?

Mr. STAFFORD. On the whole paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Demonstrations on reclamation projects: To enable the Secretary of Agriculture to encourage and aid in the agricultural development of the Government reclamation projects; to assist, through demonstrations, advice, and in other ways, settlers on the projects; and for the employment of persons and means necessary in the city of Washington and elsewhere, \$40,000.

Mr. SLOAN. Mr. Chairman, a good deal has been said in the last few months on this floor and elsewhere relative to the dairies and creameries of this country, and resolutions galore have been introduced and statements have been made of the evidence that the Rules Committee of this House developed. I desire to read what the evidence before the Rules Committee last April did develop, and was uncontradicted, relative to the dairy and creamery interests of the United States.

First. That in dairy States of the Union there are, many of recent origin, but all working at this time, effective laws governing the supervision and inspection of dairies and creameries, and in practically every case the laws are being effectively enforced.

Second. That of the commercial dairy products more than 60 per cent are pasteurized and that pasteurization is steadily increasing in every part of the country.

Third. That the large majority of dairy and creamery products which enter into interstate commerce, we believe amounting to 75 per cent, is pasteurized.

Fourth. We are convinced that no industry in this country having to do with the production and handling of human food has made an advancement in purity and sanitation equal to that of dairy and creamery products during the last five years.

Fifth. That the state of purity and wholesomeness of commercial creamery and dairy products in this country is farther advanced than almost any country in the world.

I have quoted from the undisputed testimony of William T. Creasy, secretary of the National Dairy Union of the United States.

There are 46,000 creameries and cream stations in the United States. Five years ago the Department of Agriculture took up

an investigation and sent two or three untried young men into 6 States, which 6 States out of the 48 the Department of Agriculture has not vouchsafed a statement. Information as to which of those creameries and dairy stations were examined was refused the people interested in a statement. A classification of the various stations and creameries examined was denied the dairy people of the United States, but it was admitted that of the 144 examined a good many of them were condemned because they were not painted on the outside, and that there were not proper walks around the outside.

Out of the multiplied millions of bodies of cream from the creameries in this country during the investigation they examined 1,500. Upon these, five years ago, they practically condemned the dairy and creamery interests of this country and made it the basis for investigations, and frequent charges made upon the floor of this House. Reiterated unwarranted attacks have been made against one of the leading industries of the United States and the most important industry in the matter of preserving and conserving the fertility of our soil.

Now, then, reference was made the other day by the gentleman from Maryland [Mr. LINTHICUM] to the dairy interests and the alleged bad condition of the industry in this country. I notice that just a short time ago over in the city of Baltimore the National Federation of Labor was induced to adopt a resolution, of which I shall read one of the paragraphs of the preamble, as follows:

Whereas a hearing was had on House resolution 137 on April 11, 1916, before the Committee on Rules of the House of Representatives, at which time Dr. E. C. Schroeder, expert bacteriologist of the Department of Agriculture, stated to the committee that 300 children die annually in New York City of bovine tuberculosis, and on this basis the annual death rate in the United States from bovine tuberculosis is 6,000 children every year, and further said that over 9 per cent, or 2,000,000, of our dairy cows have tuberculosis and are capable of transmitting that disease to children; while Dr. John R. Mohler, Assistant Chief of the Bureau of Animal Industry, told the committee that he had personally examined the bodies of a number of children who died of tuberculosis and found that over 22 per cent had died from bovine tuberculosis.

Now, Mr. Chairman, I desire to read to the committee the evidence upon which that very sweeping statement was made. Beginning on page 23, of the hearings before the Rules Committee, I read:

A few years ago, basing an estimate on the available data of the kind supplied by the New York health office, a tuberculosis expert in Canada—

Not in the United States, but an expert in Canada—

whose paper was afterwards published in the transactions of the Canadian Tuberculosis Association, estimated that there were annually about 400 deaths from bovine tuberculosis in Canada. If we take the population of Canada and compare it with the population of New York City, the figures compare about as 4 for Canada and 3 for New York. On the basis of similar data it has been estimated that approximately 300 deaths from bovine tuberculosis occur annually in New York City, and this again gives the ratio of 4 and 3, and since New York City has about one-twentieth of the population of the United States, we have simply to multiply the 300 deaths from bovine tuberculosis per annum in New York City by 20 to get an approximate idea of the number of deaths from bovine tuberculosis in the United States, and this gives us rather a large number.

Now, that is what Dr. Schroeder said and that is the evidence upon which the sweeping charge was made by the great Federation of Labor. Its committee on resolutions evidently had been imposed upon by some one as to what the hearings actually contained. That is an estimate not based upon any investigation. But solely upon one man's estimate that 400 people died in Canada during the year from bovine tuberculosis, and that Canada has one-third more people than the city of New York. Therefore 300 infants died of bovine tuberculosis in New York in one year, and New York City being one-twentieth of the United States, the total for the country would be 6,000, the number given in the resolution, which is one of the most remarkable pieces of logic, and one of the most winding exhibitions of ratiocination of which I ever heard.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLOAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

Mr. LINTHICUM. Mr. Chairman, I will not object if the gentleman will yield for a couple of questions.

Mr. SLOAN. What are your questions?

Mr. LINTHICUM. You have not been granted the time yet.

Mr. SLOAN. I asked it. Does the gentleman object?

Mr. LINTHICUM. I do not. I merely ask you if you will answer a couple of questions of mine?

Mr. SLOAN. I am not making any advance agreement.

Mr. LINTHICUM. I want to hear what the gentleman has to say, and I do not object to it. If you want to excuse this tuberculosis in cattle, go ahead and do it. I have no objection.

Mr. SLOAN. I am not excusing tuberculosis in cattle. I am opposed to tuberculosis remaining in this country, I must in-

sist, however, that no Member of this House has a right to attack a great industry like the dairy industry of this country unless he has something on which to base it.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. LINTHICUM. I wish I could give you two other minutes for a better purpose than your excuse for tuberculosis in cattle which you are trying to give.

Mr. SLOAN. I am not taking my time from the gentleman from Maryland. The gentleman from Maryland or somebody else induced the federation to place itself in this further attitude of indorsing the testimony of one Dr. Mohler, who is described as telling the committee that he had personally examined the bodies of a number of children who died of tuberculosis and found that over 22 per cent had died of bovine tuberculosis. Why was not the federation's committee told that Mohler had examined only nine cases, each of them right up against Maryland, and that two of them seemed to have been due to bovine tuberculosis? The statement as it stands gives the public to understand that a general country-wide investigation had been made, involving so many cases that it had to be reduced to percentages in order to be grasped by the ordinary mind. In order to make it sound harsh and horrible it was put in percentage. This is the evidence of Dr. Mohler. He says:

My information is based on personal work in the laboratory, and consists of, first, the investigation of nine children that died of tuberculosis, and as a result of the study of the bacilli found in the bodies of these nine children definite and positive results were obtained from two of these cases indicating that the bovine tubercle bacillus was the responsible factor in producing death.

That was here at Washington.

I do not know who had the charm or the magnetism that led that great national organization to take up a great subject of this kind, and, instead of giving the precise fact, said 22 per cent. But here he had examined only nine cases, and instead of saying that two out of nine were traceable through some manner or means, we know not how, to bovine sources, gave it in percentage. Why, you can prove that one swallow makes a summer by the same brilliant logic.

Mr. CANNON. They are very modest in that statement.

Mr. SLOAN. Now, if the gentleman desires to ask me those questions.

Mr. LINTHICUM. Yes; I want to ask the gentleman whether he read from the report issued by the Agricultural Department in reference to tuberculosis among cattle?

Mr. SLOAN. I did.

Mr. LINTHICUM. And did the gentleman notice that by the department figures there are about 2,000,000 of these cattle in this country?

Mr. SLOAN. I know that the distinguished Dr. Schroeder, who is quoted as authority by the gentleman from Maryland and is quoted as authority by the American Federation of Labor, testified five or six years ago that 22 per cent of the dairy cattle of the United States were afflicted with tuberculosis. Since that time he has modified his testimony and gives to the country now the information that only 9 per cent are thus afflicted.

Mr. LINTHICUM. It is about 10 per cent.

Mr. SLOAN. I am correct. See page 25, hearings, testimony of Dr. Schroeder. And then he goes on to say that this change is based on the fact that when he estimated it at 22 per cent he was taking into consideration largely the cattle in the eastern part of the United States, I suppose in and around Maryland. [Laughter.] But having taken into account the cattle of all the country, and not leaving out those in the sacred precincts of Maryland, he found that with respect to the cattle which furnished largely the commercial milk, butter, and cheese for the people of the United States he had to reduce it from 22 per cent to 9 per cent. Now, if my mathematics are on straight, it would leave the larger portion of the tuberculous cattle to the States in the neighborhood of the gentleman from Maryland.

You know how they kept the streets of Jerusalem so clean in the ancient time, as the Scotchman said, "By every man keeping his ain front door clean"; and if the farmers represented by the gentleman from Maryland and thereabouts would do what the great creamery and dairy States of the Northwest have been doing during the last few years, namely, cleaning up their creameries and dairies and purifying their herds, they would be giving to the people in and outside of Maryland and neighboring States pure butter, milk, and cream, and the gentleman from Maryland would not have so much to say against a great legitimate industry of the United States whose product amounts to one billion annually. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. GARNER. Mr. Chairman, I move to strike out the paragraph. I wish to offer an amendment.

Mr. LINTHICUM. I would like to have five minutes.

Mr. SLOAN. The gentleman could say all he knows about it in one minute. [Laughter.]

Mr. LINTHICUM. I could not do that.

Mr. SLOAN. I think the gentleman could, according to his way of estimating percentages. [Laughter.]

Mr. GARNER. Mr. Chairman, I wish to insert a new paragraph. I move to strike out the last word.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. GARNER].

The Clerk read as follows:

Amendment offered by Mr. GARNER:

"That the act of August 30, 1890, entitled 'An act providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes' (26 Stat. L., p. 414), is hereby amended so as to authorize the Secretary of Agriculture, within his discretion and under such joint resolution as may be prescribed by the Secretary of Agriculture and the Secretary of the Treasury, to permit the admission of tick-infested cattle from Mexico into those parts of the United States below the southern cattle quarantine line at such ports of entry as may be designated by said joint regulations, and also subject to the provisions of sections 7, 8, 9, and 10 of said act of August 30, 1890. That all such cattle when entered shall be subject to the regulations governing the handling and transportation of cattle from the districts infected with the splenic fever."

Mr. LEVER. Mr. Chairman, I make a point of order against that amendment.

The CHAIRMAN. The point of order is sustained.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. I wonder if the gentleman from Maryland would not let us read the next paragraph before he moves to strike out the last word?

Mr. LINTHICUM. Yes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Cooperative fire protection of forested watersheds of navigable streams: For cooperation with any State or group of States in the protection from fire of the forested watersheds of navigable streams under the provisions of section 2 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," \$100,000.

Mr. LINTHICUM. Mr. Chairman, I am extremely sorry that the gentleman from Nebraska waxes so warm about this dairy question. It might be very well to keep the country clean according to the rules that he says existed some thousands of years ago in Jerusalem, by each man keeping his own front door clean, provided that would work. But that will not work in the dairy industry at this time. There was a time when it might have worked, when the dairies were small, and when the products came from immediate surrounding country and were sold in the immediate neighborhood. But in these times, when rapid trains carry these products from Wisconsin and Michigan and Minnesota and other States to Baltimore and to the whole country, and when cold storage can be used during the transportation of such products throughout the world, the question of keeping your own front door clean will not work. I contend that while the pasteurization of milk is all right, and that you can keep milk pure by that means, it is useless to try to contend that tuberculosis can be gotten rid of in that way when the infection can just as easily be communicated by means of meat; and why should we be subject to infection from diseased cattle when we can get rid of the diseased cattle at little cost?

Now, the gentleman must know this, because I assume he is a farmer—in fact, I know he is a farmer—

Mr. SLOAN. I am. [Laughter.]

Mr. LINTHICUM. You stand accredited as being a farmer. Good.

Mr. SLOAN. I stand complimented. [Laughter.]

Mr. LINTHICUM. Yes; complimented that the gentleman is a farmer.

Mr. MOORE of Pennsylvania. I can certify that he is a farmer. [Laughter.]

Mr. LINTHICUM. The gentleman from Pennsylvania certifies that he is a farmer. It needs no proof. But the fact is you could have a cow on your farm, could be selling the milk to a dairy without inspection, and it might go into the butter, and thus be taken into the homes of the children of this country without inspection—in many of the States without pasteurization. Again, if that cow reached the stage where it was too old to produce profitable milk any further and you wanted to send it to the slaughterhouse, the Government official would condemn it, and it would at once be converted into fertilizer.

Now, why should you go on producing cattle and milk which go into the stomachs of the children of this country in that raw state when the Government would not allow that it should go into the children's stomachs in a cooked state? You want pasteurization as a last resort, but what we want to do is to get rid of the cattle themselves.

The gentleman from Iowa [Mr. HAUGEN] stated the other day that it would cost \$210,000,000 to get rid of these tuberculous cattle.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Let me make my statement first.

Mr. HAUGEN. Just one brief statement. That was the statement made by the representative of the department.

Mr. LINTHICUM. That it would cost \$210,000,000?

Mr. HAUGEN. No; about \$600,000,000.

Mr. LINTHICUM. Yes. The gentleman bases that upon cattle which are healthy.

Mr. HAUGEN. I base it upon 10 per cent of the dairy cows and 8 per cent of the other cows.

Mr. LINTHICUM. Yes; cows that are healthy. But suppose the gentleman would take these tuberculous cows that he is talking about and would attempt to sell them for meat purposes. What would happen? They would be condemned instantly and turned into fertilizer.

Mr. HAUGEN. Only the infected parts.

Mr. LINTHICUM. Well, there would not be much left of a tuberculous cow that anyone would want to eat.

Now, I do not want to get too warm about this legislation. The American Federation of Labor are interested in it, as they are interested in many things which need attention. They are interested in protecting the homes and lives of the working classes of this country. They are interested in protecting those people who can not always get the finest milk and the finest butter and the finest cream that the country produces. They are interested in the poor man, who needs protection at the hands of this Congress, and that is why the workingman is interested in this matter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. I ask unanimous consent that the gentleman's time be extended five minutes, to allow me to ask him a question.

Mr. LEVER. I hope the gentleman will not ask that. We want to get on with the bill.

Mr. LINTHICUM. I do not ask for any extension.

Mr. HAUGEN. I wish to ask the gentleman a question.

Mr. LEVER. Let the Clerk read.

The Clerk read as follows:

Experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States: To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the cane-sugar and cotton districts of the United States, including the erection of barns and other necessary buildings, and the employment of persons and means in the city of Washington and elsewhere, \$60,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I assume that this is the item that was originally introduced in order to take care of the cane-sugar planters of Louisiana when the Underwood tariff bill, containing the free-sugar item, was passed.

Mr. LEVER. This is a matter that was introduced by the gentleman from Louisiana [Mr. BROUSSARD] who is now a Senator. It was offered as an amendment and inserted on the floor of the House.

Mr. STAFFORD. That was the reason advanced for making the special exception?

Mr. LEVER. I do not remember the statement that was made in connection with it. It was some three or four years ago.

Mr. STAFFORD. I am quite surprised that the gentleman does not remember everything in connection with this bill. He does not seem to in this one instance.

Mr. LEVER. The gentleman from Wisconsin is the only man who always remembers everything.

Mr. STAFFORD. I will not accept that statement.

Mr. LEVER. It is intended as a compliment.

Mr. STAFFORD. No compliment. It is mere idle palaver. The gentleman is certainly acquainted with the purpose of this item.

Mr. LEVER. Yes; I am.

Mr. STAFFORD. If the original purpose is at an end, why is it continued in the bill any longer?

Mr. LEVER. This item was inserted in the bill—if the gentleman is serious about it—

Mr. STAFFORD. I am entirely serious.

Mr. LEVER. I thought the gentleman was jocular.

Mr. STAFFORD. I would not take up the time of the committee unless I was serious in calling attention to the uselessness of carrying the item in the bill after the purpose for which it was inserted has passed.

Mr. LEVER. This item was inserted in the bill on the floor of the House at the suggestion of Representative BROUSSARD, who has now become a Member of the Senate. It was debated here for quite a little while, as the gentleman will recall. I am inclined to think—to be perfectly frank, as I was in a humorous frame of mind a moment ago—that the author of that amendment did have in mind the idea of helping the cane-sugar growers of his own State. I will say very frankly also that my own view was at that time and is now that the investigations conducted under this item are very much larger than the problems that relate peculiarly to the cane growers of Louisiana. It is really a kind of an experiment station in that section of the country, and the work so far, I think, has been satisfactory to every member of the committee. Whether or not it was wise to start it in the beginning is a matter over which the committee had very little control, because, as I said, it came in as an amendment on the floor of the House.

Mr. STAFFORD. It only shows that when once a work is undertaken by the Government—

Mr. LEVER. It is very hard to get rid of it.

Mr. STAFFORD. No matter whether the original purpose is accomplished or not, it goes on forever.

Mr. MOORE of Pennsylvania. I have a recollection of this item, which has been in the bill for several years, and think I can enlighten the gentleman from Wisconsin [Mr. STAFFORD] who seeks information on the subject. Perhaps I can tell him what he wishes to know. My recollection is that after the low-tariff law went into effect there was quite a depreciation in the sugar business in Louisiana. In fact, in anticipation of losses due to the Democrats having come into power in the Nation, threatening a low-tariff law that would work havoc all over the good old Democratic State of Louisiana, it was suggested that a little help from Congress—not in the way of a tariff, which the Democrats detest, and charge up only to the manufacturing industries—a little help from Congress by way of developing live-stock production in the cane-sugar and cotton districts—which meant in this instance only Louisiana—might be a good thing for Louisiana. And so, of course, without regard to any special favors to anybody, and with face front against the "special interests," this item of \$60,000 was introduced into this bill in order that our friends in Louisiana who suffered loss by reason of the Democratic policy of free trade and the destruction of the sugar industry in Louisiana might recoup to a certain extent. The idea was that, to the extent of \$60,000, barns and other necessary buildings might be erected and certain men employed in the redevelopment of the sugar-cane business, and so forth.

Now, this sort of back-handed assistance has been given in other instances. The other day, when this same bill was under consideration, we inquired about appropriations for pursuing the Canadian potato scab or wart. An embargo against the potato wart was put on by the administration some time after the Democratic Party, following out its policy of free trade, had put potatoes on the free list. There had come over from Canada such a tremendous avalanche of potatoes, competing with the product of Maine, that the error of the Democratic Party was at once apparent. The Democratic administration did not restore the duty, but it put on an embargo that was more effective than the war in Europe in keeping Canadian potatoes out of this country. That might have restrained the farmers of Maine from voting against the Democratic Party, but it did not.

I would like the gentleman from Wisconsin [Mr. STAFFORD] to understand thoroughly, since he seems to seek light on the subject, just why these things are put in here once in a while, to remedy some of the errors of the Democratic Party. They help to reassure the people that while Democracy stands for free trade in theory, in reality they are for protection in fact, even if it requires an appropriation. [Applause on the Republican side.]

Mr. KELLEY. Does the gentleman mean to say that the Canadian potato scab has done more for the potato farmer of America than the Democratic Party has done for him?

Mr. MOORE of Pennsylvania. Of course. Immediately when these Canadian potatoes came rushing over the border under the free-trade policy of the Democratic Party there was nothing to do to save the vote in Maine except to put on the embargo against Canadian potatoes.

Mr. BORLAND. Can the gentleman tell us where these potatoes are now that have been rushing in over the border in such a flood?

Mr. MOORE of Pennsylvania. Oh, yes; under the European war conditions and the Democratic method of reducing the high cost of living they have reached as high as \$2 a bushel to the ordinary consumer. [Applause.]

The Clerk read as follows:

Hereafter, for the purpose of reducing the expense of enforcing and administering the several statutes conferring powers or imposing duties upon the Secretary of Agriculture, he shall have authority from time to time to make designations of officers, agents, and employees of the Department of Agriculture to administer oaths, of which designations the courts of the United States shall take judicial notice. Any such officer, agent, or employee so designated is hereby empowered to administer to, or take from, any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under, or in the administration of, any law which the Secretary of Agriculture or the Department of Agriculture, or any bureau or subdivision thereof, is, or may hereafter be, empowered or directed to administer or to aid in administering. Any such oath, affirmation, or affidavit administered or taken by or before such officer, agent, or employee, when certified under his hand and authenticated by the official seal of the Department of Agriculture, shall be valid to all intents and purposes, and when offered or used in any court of the United States shall have like force and effect as if administered or taken by or before the clerk of such court, without further proof of the identity or authority of such officer, agent, or employee. No officer, agent, or employee of the Department of Agriculture shall demand or accept any fee or compensation whatsoever for administering or taking any oath, affirmation, or affidavit under the authority conferred by this act.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read. This paragraph apparently confers a very large authority upon the innumerable employees and agents connected with the Department of Agriculture scattered all over the country. A casual reading of the paragraph will show that summary power is conferred upon them. It is possible that it may be abused, and I think the chairman is called upon to make some explanation of the need of it.

Mr. LEVER. I will try to do it briefly. This matter was introduced in the form of a bill and referred to the subcommittee, of which I was not a member. The statement that is made to the committee is that the new language is desired in order to decrease the cost of preparing cases for prosecution and to eliminate to a considerable extent the difficulty now experienced in getting these cases into court. I will read:

The necessity of this measure may well be illustrated by the procedure in connection with the enforcement of the food and drugs act. The proceedings are criminal under section 2 of the act and civil under section 10. Most of the criminal cases are prosecuted by information rather than by indictment, as such method seems expeditious and economical. In all cases prosecuted by information, affidavits showing probable cause for the prosecution are required of witnesses having personal knowledge of the facts. At least two affidavits are usually necessary for each case. Affidavits also frequently are required by the courts in seizure proceedings under section 10 of the act, where no claimant appears and it is necessary for the Government to proceed ex parte to secure a decree of condemnation. Such affidavits are taken in all parts of the United States, and the notarial fees range from 25 cents to \$1.

Probably the most important consideration in favor of the enactment of this paragraph is the fact that in many places where samples are purchased the only officers authorized to administer oaths whose certificates can be obtained are State officers, such as notaries public and justices of the peace, and their official acts and seals are not always recognized by the Federal courts. For instance, in the case of the United States v. Schallinger Produce Co. (230 Fed. Rep., 290), decided in 1914, in the district court of the United States for the eastern district of Washington, Judge Rudkin refused to accept affidavits subscribed and sworn to before notaries public and dismissed the Government's information on the ground that it was not supported by oath or affirmation. (See also U. S. v. Baumert et al., 179 Fed. Rep., 735.)

Since the publication of the decision in the Schallinger case many affidavits sworn to before notaries public have been returned to the department for reexecution before a clerk of a Federal court or a United States commissioner. This has seriously interfered with the efficient administration of the act, to say nothing of the increase in the cost of its administration and the unreasonable delay in bringing cases to trial. Unless relief from this situation is afforded by Congress, the universal application of Judge Rudkin's decision in all the Federal courts will seriously interfere with the enforcement of Federal statutes and greatly increase the cost of obtaining evidence of violations of law.

It is to obviate that situation that this language is inserted.

Mr. STAFFORD. Does not the gentleman think that there ought to be some restrictions in conferring this authority on every one connected with the Agricultural Department, field agents and all, so as not to permit them to go into a neighbor's or a stranger's home and say, "I am an agent of the Department of Agriculture, authorized to acquire information under the Bureau of Markets, and I ask you to give me the information desired"?

Mr. LEVER. I am willing to accept such an amendment. I am perfectly willing that this should go out on a point of order. I do not care much about it one way or the other, for it may be better to handle it in a separate bill.

Mr. STAFFORD. I think perhaps there is some need of such legislation, but I do not think that this can be amended satisfactorily on the spur of the moment. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. BORLAND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. Borland: Page 86, line 25, insert "that no part of any amount herein appropriated shall be used to pay salaries, or for personal services in any department, bureau, or office in the District of Columbia which does not, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act, approved March 15, 1898, require eight hours of labor each day except from technical and scientific experts."

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this amendment and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, I want to call attention again at this time to the fact that the Government is wasting a great deal of the money it appropriates, particularly in the executive departments in the city of Washington. I want to call attention to the fact that a special privilege or favoritism exists in the departments at Washington by which employees work less than the full standard day of eight hours, and by which they have an unusual and undue number of leaves of absence and holidays. When I say unusual and undue, I mean compared with the great mass of civil-service employees throughout the country, as well as the great mass of private employees. I think it will be a matter of surprise to the farmers interested in this bill, and expecting the money appropriated to be expended in the most efficient way, to learn that the clerks of Washington only work seven hours a day, or an average of 208 days out of 365. We owe it, I think, to the farmers of this country, as well as to all other taxpayers, to see that the activities of the Government are expended and attended to in every helpful way; and in order to do so, I think we are entitled also to demand a dollar's worth of work for every dollar expended. The men who are asked to pay the taxes in this country almost uniformly work a minimum of eight hours a day. In fact, a large number of men, taxpayers, are still demanding and hoping to get their working time reduced to eight hours a day.

The farmer has never been allowed to work less than eight hours a day. Conditions do not permit it. The great mass of private employees are not permitted to work only eight hours a day, those who consider themselves in a favored and specially protected class; but here we have a class who live off the taxes, who are paid off the taxes collected from these wage-workers and the producers of the Nation, who work only seven hours a day. The net result of that is a loss of \$5,000,000 of the people's money in administering the Government in Washington. Not all of it is involved in this bill. This is one of the bills providing for a part of the executive departments in Washington. But this matter must be corrected in several different bills, of which this is one, and this bill illustrates more clearly than any other the indefensible contrast between the hours of labor of the man who pays the taxes and the hours of labor of those who are paid out of the taxes. What is the net result? The net result is that we employ an undue number of clerks and employees in Washington to accomplish the Government work. We hire too many people, and as we increase the activities of the Government—and we do it in each bill—we are increasing the evil, because every time we appropriate any money for any expenditure in the city of Washington we do it upon the theory that we only get 80 cents on the dollar for every dollar of money expended in the city of Washington for labor. The farmers might just as well understand that their dollar is cut to an 80-cent dollar the minute it is put into the Agricultural bill, and if they do understand that, and want it done, that is their business, because they pay the bills; but my observation is that we do not want it done. The farmer who pays the taxes and who demands these activities from the Government to permit him to increase the production out of which he pays the taxes, will also demand and insist upon having a fair return for the Federal money expended in his behalf.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Presently. We will not be able to decide the farmer by saying that this is the result of a custom. To say that it is the result of a custom is simply to say that it is a vested wrong, because if it is a custom that does not make it right. Because it has been done in the past is no reason why we should continue it. I now yield to the gentleman.

Mr. MEEKER. Mr. Chairman, I desire to know if the gentleman can tell us about the percentage of Federal taxes that the farmer pays?

Mr. BORLAND. That would be very difficult. There are a great many good economists who figure out that the farmer practically supports the country. In other words, that all men who engage in other occupations—manufacturing, transportation, distribution—are a part of the pyramid of which the farmer is the base. Gentlemen will understand that we can not argue that proposition; but if the farmer only paid a very small portion of the tax, he is entitled to honesty and justice in the expenditure of that tax. I think it is easily correct to say that the farmer pays in the aggregate, directly and indirectly, 50 to 55 per cent of the taxes.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. TILSON. If this amendment should be adopted just as it is proposed by the gentleman, does he not think that the people in these offices would simply be kept there for an additional length of time and that neither this bill nor any other would probably be one penny less than it is now? We would simply compel somebody to stay there a little longer than they otherwise would stay.

Mr. BORLAND. I do not think so. I have heard the argument that these clerks, even if you kept them there for eight hours, would not do any more work than they do now. I think that is a reflection upon the great mass of clerks. They are supposed to give a certain amount of labor, and I know if they are there for eight hours a day they ought to perform a larger volume of labor per unit than they do now. In other words, it would take fewer clerks to discharge the public business; and if it took fewer clerks, it would take less office space and less supplies, less rent in the District of Columbia, and everything would be upon a smaller basis. The larger number of people we employ the more office space we must have for them, and it all inures simply to the benefit of the community of Washington, where the money is expended. It is utterly opposed to the interest of the communities of the United States where the money is raised. When we come to consider that we are about to raise some more money, that we are not looking for places to expend money or to waste it, but are looking for places to raise money to run the Federal Government, we realize that some retrenchment and reform is necessary.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. BORLAND) there were—ayes 19, noes 36.

So the amendment was rejected.

The Clerk read as follows:

That to provide, during the fiscal year 1918, for all persons employed under the Department of Agriculture, including on the lump-sums rolls only those persons who are carried thereon at the close of the fiscal year ending June 30, 1917, increased compensation at the rate of 10 per cent per annum to such employees who receive salaries or wages from such department at a rate per annum less than \$1,200, and increased compensation at a rate of 5 per cent per annum to such employees who receive salaries or wages from such department at a rate of not more than \$1,800 per annum and not less than \$1,200 per annum, so much as may be necessary is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the increased compensation provided by this section shall not apply to persons whose duties require only a portion of their time, except charwomen, or whose services are needed for brief periods at intervals, or to any persons who receive a part of their salaries or wages from any outside sources under cooperative arrangements with the Department of Agriculture: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

Mr. COX. Mr. Chairman, I reserve a point of order on the paragraph. I want to get some information first from the chairman, if he can give it to me. How many employees of this department will be affected by this provision?

Mr. LEVER. There will be about 12,000 employees affected by this provision.

Mr. COX. And at how much of a total cost?

Mr. LEVER. Of about \$900,000.

Mr. COX. Nearly \$1,000,000.

Mr. LEVER. Nearly a million dollars.

Mr. COX. I will have to make the point of order.

Mr. MANN. The gentleman understands it will come in under the rule?

Mr. COX. I know there is a rule, but the rule does not make this particular provision palatable.

Mr. LEVER. If the gentleman from Indiana will permit, I will say a rule was passed making this identical language in order on the bill, and it will save time not to press the point of order. I am prepared to offer it in the identical language.

Mr. COX. I would rather have the amendment offered in the same language; I do not care if it is torn out of the bill and offered. I make the point of order on it, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I offer the following amendment as a new paragraph to the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Following page 86, as a new paragraph:

"That to provide, during the fiscal year 1918, for all persons employed under the Department of Agriculture, including on the lump-sum rolls only those persons who are carried thereon at the close of the fiscal year ending June 30, 1917, increased compensation at the rate of 10 per cent per annum to such employees who receive salaries or wages from such department at a rate per annum less than \$1,200, and increased compensation at a rate of 5 per cent per annum to such employees who receive salaries or wages from such department at a rate of not more than \$1,800 per annum and not less than \$1,200 per annum, so much as may be necessary is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the increased compensation provided by this section shall not apply to persons whose duties require only a portion of their time, except charwomen, or whose services are needed for brief periods at intervals, or to any persons who receive a part of their salaries or wages from any outside sources under cooperative arrangements with the Department of Agriculture: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

Mr. RAINEY. Mr. Chairman, I do not think so important an amendment ought to be voted upon without some discussion, and I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RAINEY. Mr. Chairman and gentlemen, before commencing I desire to say that I recognize now the futility of opposing this amendment at this time. The Committee on Appropriations has inserted this language in the legislative bill. The Indian bill has already reached the Senate and the proposition now is to insert it there. On a point of order made by myself this language went out of the District of Columbia appropriation bill, but the proposition is to restore it in the Senate, and now, following the precedent set by the Committee on Appropriations, this amendment, contrary to the law of the land, made in order by this special rule, is presented.

I desire to say that I approve of collective bargaining. I approve of these increases granted throughout the land in our manufacturing establishments, which are realizing profits unheard of before in the history of this country. The men who labor there and who contribute their share, and more than their share, toward making these enormous profits possible are entitled to the bonuses and the increases of salaries granted to them, to which reference is so frequently made. They are receiving a part of the money they have earned, and their organizations, their methods of collective bargaining, have made this possible. These conditions are imposed, and are properly imposed, upon a business which is paying.

The principal argument used for these increases of salaries of Government employees is that in the industries throughout the land wages are being increased, and we are face to face for the first time in the history of this Nation with organizations of Government employees, and so far as I am advised no such economic condition as that has ever prevailed in any nation since the morning stars sang together. These organizations of Government employees have been arranged for what purpose? Why, for no known purpose in the world except the purpose of increasing their salaries—indulging in collective bargaining against the Treasury of the United States; 500,000 of them are dancing in wild ghost dances about the Treasury of the United States. We have had nothing like it in the history of nations since the dancing mania of the Middle Ages. They are demanding these increases in their salaries; they are demanding these bonuses from a business that is not paying the stockholders one cent. We are face to face now with additional bond issues. This Congress—and irrespective of party, all voted for this measure—has voted bonds for a merchant marine to the amount of \$50,000,000, bonds for a nitrate plant to the amount of \$20,000,000, and you will be called upon to vote bonds very soon for the purchase of the West Indies to the amount of \$25,000,000. We will also soon be called upon in all probability to vote bonds for the Alaska Railway amounting to \$21,000,000, and for maintaining the Army on the Mexican border \$16,000,000. In other words, one year from now the stockholders of this Government will have placed a mortgage on their property of \$280,000,000 in addition to the national debt already existing. That is not all. We are going to be called upon to find new revenues to the amount of \$200,000,000, and that must be done at once, and this does not include the amount which will be needed to meet the demands of the salary grab now in progress, which it is now evident will reach almost \$80,000,000, if the

Government employees have their way about it. You are probably conceding them in these supply bills nearly \$40,000,000. We are therefore about to be called upon to provide by new taxes the amount of at least \$250,000,000.

This is the condition which confronts the Nation, and at this time this collective bargaining, comprising the greatest salary grab ever known in the history of this Nation, is participated in all the way down the line. One reason given for it is that their salaries have not been increased for over half a century. This amendment provides that these increases shall apply only to the approaching fiscal year. But who ever heard of the salary of a Government employee being lowered? Whenever they are fixed, they are fixed forever. What is the argument which supports this collective bargaining against the Treasury of the United States, which you seem to approve of here by such a tremendous majority whenever the question comes up as these bills progress through the House? Why, it simply amounts to this: They can, now that they are organized, place the black hand of their disapproval upon that Member of Congress who is courageous enough to call attention to these outrageous salary increases. Unscientific? Why, of course they are. Are these men entitled to 5 and 10 per cent increase? Some of them are; most of them are not. And yet you provide this horizontal method of doing it. When this matter first came up the statement was made on the floor here by members of the Committee on Appropriations that this would mean an increase of \$25,000,000 or \$30,000,000 in the annual expenses of this Government if it was carried through all the bills. It has developed now, and your attention will be called to it soon on this floor, that if this increase is carried in the Post Office bill, the next bill that comes up, it will mean an increase in that bill alone to employees affected by it of \$16,000,000. Therefore the proposition that \$25,000,000 covers it all is nonsense. It will not cover it. And even the huge amount you are giving them does not satisfy the appetites of these Government employees, as they have announced through their organizations here in Washington—here is where most of the money comes; here is where 42,000 of them live; and they all announce that they are not satisfied with the large increase you are giving them.

They propose to carry this fight on to the Senate, and they propose to insist there, not on this increase, which they say means nothing, but they propose to insist there on increases of 10 and 20 per cent, twice as much as this. And a careful analysis of their demand will show that this may mean an increase in the expenses of this Government of over \$80,000,000 every year.

The newspapers in Washington, without exception, favor this raid on the Treasury. In fact, I have never seen or read an item in a Washington newspaper advocating economy when the city of Washington was interested. The only industry they have here in Washington is the industry of running this Government, and these newspapers, every one of them, stand for all sorts of extravagance, providing it means the spending of more money here in the hotels and in the department stores and other places of business. At the present time the newspapers of Washington are engaged in a controversy as to which newspaper is entitled to the credit for this raid on the Treasury, which they expect will soon be successful. I hold here in my hand an editorial from a Washington newspaper, which I will read in part, and will insert the remainder of it in the RECORD, with the permission of the House, which I will soon request. This is the article; it appeared on the first page of yesterday's Washington Herald:

EDITORIAL.

Yesterday the Evening Star, with a brave display of a full page of cartoons, directed attention to the fact that it has been waging a "battle for the Government clerks' welfare for over a half century."

The Star is to be commended for any interest it has shown for the United States Government employees covering so long a period of time. Its endeavor, however, was but the duplication of similar efforts of at least two of the other three Washington newspapers, which fail to date back for a period "over half a century" simply because of the fact that the history of their existence is of lesser length.

For "over half a century" the newspapers of Washington have from time to time given liberally of their space to the United States Government employees and their needs.

But it remained for the Washington Herald to realize the psychology of the moment to gather around it those citizens of the District, United States Government employees, labor leaders, and all others interested in fair play, and on November 20, 1916, inaugurate in its news and editorial columns a campaign which for rapidity of results has astounded even the most ardent supporters of the movement.

Several days later the Evening Star favored the movement with a very commendable editorial and an appropriate cartoon, and there appeared on the same day a leading editorial in another Washington paper along the same line.

From the first day until the end of the campaign the Washington Herald kept at its work in its news columns, with cartoons and editorially, collecting statistics on salary raises the country over, the increased cost of living, the opinions of people of importance, in and outside the Government, etc., setting them forth clearly in the columns of the paper, until one of its contemporaries (which it is but fair to state was not the Evening Star) published some very valuable statistics,

and not until nearly a week later, or on November 30, to be exact, did the Evening Star again open its columns to the subject of the immediate need and justness of the cause.

If any newspaper is to be credited with the increases in salaries which we believe are about to be granted to the Government employees, data on file in the Washington Herald office and clippings of every article, editorial, and cartoon that has appeared recently in all of the Washington newspapers indicate that the Washington Herald has accomplished in about two months what the Evening Star has been "fighting" for for "over half a century."

But the Washington Herald has no desire to mar by any attempt at glory grabbing so worthy a cause as the endeavor to obtain for the United States Government clerks a compensation in proportion to the importance of the work they do, based upon present-day salary standards.

Again, we say the moment was psychological, and the only credit the Washington Herald takes unto itself is that it was the one paper in Washington to appreciate this fact and to utilize it by bringing to the attention of a very busy but responsive Congress of a prosperous country the fact that we are at a time when the largest employer in the United States should recognize an 1854 salary basis to be absolutely obsolete.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. RAINEY. These positions can be filled, every one of them, in a week's time as well as they are filled now by competent young men and women to be selected from the various States of this Union. In the old days, in the old spoils days, when these salaries were fixed they were fixed exorbitantly high, and it was known then that they were, but the country then, under the old spoils system which prevailed, was absolutely defenseless. And to-day these salaries are higher, averaging \$1,200 per year, than is paid young men and young women in other similar vocations in private life; and that matter you do not even investigate. I hold here in my hand, and I will put some of these advertisements in the RECORD, a single column from one of these newspapers circulating among Government employees, in which there occurs eight advertisements of correspondence schools, advising young men and young women that if they take a particular course they can qualify themselves for these numerous desirable Government positions, 400,000 of them, and, more than that, in which vacancies are constantly occurring.

Business colleges were unknown in this country when these salaries were fixed so long ago. They are numerous now, and there is a business college in every town or city of any size in the United States in addition to these correspondence schools for preparing young men and women for this character of employment, keeping accounts, keeping books, and so forth. And they go out, thousands and thousands of them every year, and accept less salaries than are given Government clerks here in the city of Washington and throughout this land, and render service for, not 7 hours a day, as they do here, but 9 hours a day and 10 hours a day.

Keeping in mind the fact that these Government positions pay an average of \$100 a month, I want to read some of the enticing advertisements which appear in the paper I hold in my hand. An institution in Rochester, N. Y., advertises as follows:

Wanted young men as railway mail clerks, \$75 a month; sample examination questions free.

Another correspondence school in New York advertises as follows:

Thousands of Government jobs now obtainable, \$75 a month; list free.

Another institution advertises—

Railway mail clerks wanted, \$75 a month; sample examination questions free.

Another civil-service school advertises as follows:

Get prepared for rural carrier, fourth-class postmaster, post office, railway mail, and other Government examinations by a former United States civil-service secretary examiner. Descriptive booklet free without obligation. Write to-day.

Another advertisement reads as follows:

Railway mail, post office, and other Government positions are good. Prepared for "exams" under former Government examiner. Booklet free. Write to-day.

Another civil-service school, located here in Washington, advertises in this same paper as follows:

We prepare you and you get a position or we guarantee to refund your money. Write for book telling about Government positions with lifetime employment, short hours, sure pay, regular vacations.

I have only read a part of these advertisements and you can find them in almost any newspaper. The opportunity to obtain these Government positions attracts 180,000 people every year. There are twenty times as many applicants as there are jobs. The salaries themselves are attractive. Half holidays on Saturdays, 30 days sick leave every year at full pay, 30 days vacation every year at full pay, only seven hours a day work if you are

assigned to duty here in Washington, insurance policies free, the absolute certainty that you will be retained when advanced in years, the prospect of being retired after 25 years' service at half pay or two-thirds pay; these are the alluring features which bring every year an army of applicants for the few vacancies which occur. These are desirable positions, the most desirable positions of their class, and we are rushing blindly here into an expenditure which may exceed \$80,000,000, because these employees for the first time in the history of the United States are organized and are indulging in collective bargaining against the Treasury. There may be at some period in the future another organization in this country, comprising nearly all of those who are not Government employees; an organization which may get the impression that you ought to represent it here, and this organization may include the voters in the United States who do not have Government jobs.

Now, a record vote will be had on this question. It is in a condition for a record vote, and you gentlemen on the Republican side who are charging us with extravagance will have the opportunity to go on record. [Applause.]

Not a Member of this House knows how much these proposed salary increases will add to the annual expenses of this Government. The matter has been carefully investigated, however, by the Post Office Department with reference to the effect it will have on the expenditures of that department alone. The next supply bill to come up will be the post-office bill and it will develop during the progress of that bill through the House that the increases which will be provided for also in that bill mean, in that department of the Government alone, an increase in the expenditures of \$18,000,000 per year. Without a particle of investigation we blindly proceed granting these increases simply because you say all must be treated alike. The effect upon the Treasury of what we are doing does not seem to be considered in the least. The methods this House is adopting with reference to these increases would ruin any business enterprise in the world. Not a Member of this House would apply to his own private business the methods the great majority of you will soon approve as applied to the matter of running the Government of the United States, the greatest business in the world. You propose to be generous with money that does not belong to you. The editorial I have read from the Washington Herald indicates the influences to which Members of Congress are subjected here in the Capital City. The lack of patriotism which permeates these organizations of Government employees and the papers which so vigorously speak for them is a new and an alarming element in our national life. The number of Government employees is constantly increasing. The Government may be compelled to take over the railroads 10 years from now. If that unfortunate situation should develop, the Treasury of the United States would be absolutely at the mercy of Government employees. In fact, these organizations of Government employees almost place them now in control of the Treasury of the United States. You are voting these increases now without investigation and without knowing what the total will be in a considerable measure because you fear the effect of the organizations of Government employees which extend back into your districts. As far as this program has gone this raid upon the Treasury will mean, when it is completed, an amount equal to \$4 or \$5 per year for each head of a family in the United States. The farmers, 7,000,000 of them, upon whom you are placing this burden have an average income of less than \$600 per year. They pay taxes on their holdings. The majority of these Government clerks pay no taxes. They simply collect their salaries and their salaries average twice as much as the average income of the American farmer. The farmer earns his income assisted by his family, all of them work, not 7 hours a day but 9 and 10 hours a day and sometimes more than that. These wealth producers back in your districts are entitled to some consideration when you are providing these new tax burdens.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. I ask permission, Mr. Chairman, to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HERNANDEZ. Mr. Chairman, I make the same request. Mr. SLOAN. And I make the same request, Mr. Chairman.

The CHAIRMAN. The gentleman from New Mexico and the gentleman from Nebraska make the same request. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. COX. A division, Mr. Chairman.

Mr. MANN. We are going to have a roll call.

Mr. COX. Then I withdraw that.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The gentleman from South Carolina moves that the committee do now rise, and that the bill be reported back to the House with the amendments, that the amendments be agreed to, and that the bill as amended do pass. The question is on the agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CONNOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. LEVER. Mr. Speaker, I move the previous question.

Mr. RAINEY. I ask for a separate vote.

The SPEAKER. The Chair will put that question in a minute. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. RAINEY. Yes; on the amendment increasing the salaries of the clerks.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] asks a separate vote on the amendment increasing the salaries of the clerks.

Mr. BORLAND. I ask for a separate vote on the Mann amendment, the amendment relating to the investigation into food prices by the Bureau of Markets.

The SPEAKER. The gentleman from Missouri demands a separate vote on the Mann amendment. The Chair supposes there are several of them.

Mr. MANN. No; only one, on page 75.

The SPEAKER. On the amendment on page 75 relating to market manipulations. The Chair will put the others in gross. The question is on agreeing to the other amendments.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the first excepted amendment.

The Clerk read as follows:

Amendment on page 86 of the bill, following line 26: That to provide, during the fiscal year 1918, for all persons employed by the Department of Agriculture—

Mr. MANN. That is not it.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] demanded one about the salaries. The Clerk will read.

The Clerk read as follows:

That to provide, during the fiscal year 1918, for all persons employed under the Department of Agriculture, including on the lump-sum rolls only those persons who are carried thereon at the close of the fiscal year ending June 30, 1917, increased compensation at the rate of 10 per cent per annum to such employees who receive salaries or wages from such department at a rate per annum less than \$1,200, and increased compensation at a rate of 5 per cent per annum to such employees who receive salaries or wages from such department at a rate of not more than \$1,800 per annum and not less than \$1,200 per annum, so much as may be necessary is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the increased compensation provided by this section shall not apply to persons whose duties require only a portion of their time, except charwomen, or whose services are needed for brief periods at intervals, or to any persons who receive a part of their salaries or wages from any outside sources under cooperative arrangements with the Department of Agriculture: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

The SPEAKER. The question is on agreeing to the amendment just read.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. RAINEY and Mr. COX demanded a division.

The SPEAKER. The gentleman from Indiana [Mr. COX] and the gentleman from Illinois [Mr. RAINEY] both demand a division.

The House divided; and there were—ayes 102, noes 13.

Mr. COX. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and thirty-two gentlemen are present—not a quo-

rum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of this amendment will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 279, nays 33, answered "present" 1, not voting 120, as follows:

YEAS—279.

Abercrombie	Edwards	Kelley	Rubey
Adair	Ellsworth	Kennedy, Iowa	Russell, Mo.
Adamson	Esch	Kent	Sabath
Alexander	Estopinal	Kettner	Saunders
Allen	Evans	Key, Ohio	Scott, Mich.
Anderson	Fairchild	King	Sears
Ashbrook	Farley	Kinkaid	Sells
Austin	Farr	Kitchin	Shackleford
Ayres	Fess	La Follette	Shallenberger
Barnhart	Fields	Langley	Sherley
Bennet	Fitzgerald	Lazaro	Shouse
Blackmon	Flood	Lee	Sims
Boober	Freeman	Lehlbach	Sinnott
Borland	Fuller	Lenroot	Slayden
Britt	Gallagher	Lever	Sloan
Britten	Gallivan	Littlepage	Small
Browne	Gandy	Lloyd	Smith, Mich.
Browning	Gard	London	Smith, N. Y.
Buchanan, Tex.	Gardner	Longworth	Smith, Tex.
Burke	Garland	McAndrews	Snell
Burnett	Garrett	McArthur	Snyder
Butler	Glass	McClintic	Sparkman
Byrnes, S. C.	Godwin, N. C.	McDermott	Stafford
Byrnes, Tenn.	Good	McGillcuddy	Stagall
Caldwell	Goodwin, Ark.	McKinley	Stedman
Campbell	Gordon	McLaughlin	Steele, Iowa
Candler, Miss.	Gould	Madden	Steenerson
Cannon	Gray, N. J.	Magee	Stephens, Nebr.
Cantrill	Green, Iowa	Mann	Stephens, Tex.
Capstick	Greene, Mass.	Mapes	Sterling
Caraway	Greene, Vt.	Martin	Stiness
Carlin	Gregg	Matthews	Stone
Carter, Mass.	Hadley	Mays	Sulloway
Chandler, N. Y.	Hamilton, Mich.	Meeker	Summers
Chilperfield	Hamlin	Miller, Del.	Sutherland
Church	Hardy	Mondell	Sweet
Clark, Fla.	Harrison, Miss.	Montague	Switzer
Cline	Harrison, Va.	Moore, Pa.	Taggart
Coady	Hastings	Morgan, Okla.	Tague
Collier	Haugen	Morin	Tavener
Connelly	Hawley	Moss	Taylor, Ark.
Conry	Hayden	Mott	Taylor, Colo.
Cooper, Ohio	Hayes	Mudd	Temple
Cooper, W. Va.	Helgesen	Murray	Thompson
Cooper, Wis.	Helvering	Neely	Tillman
Costello	Henry	Nelson	Tilson
Crago	Hernandez	Nicholls, S. C.	Timberlake
Cramton	Hicks	Nichols, Mich.	Tinkham
Crisp	Hilliard	Nolan	Towner
Crosser	Holland	North	Van Dyke
Curry	Hollingsworth	Oakey	Venable
Dale, Vt.	Hood	Oglesby	Vinson
Dallinger	Hopwood	Olney	Volstead
Danforth	Houston	Overmyer	Walker
Darrow	Huddleston	Padgett	Walsh
Davis, Minn.	Hughes	Page, N. C.	Wason
Davis, Tex.	Hulbert	Palge, Mass.	Watkins
Dempsey	Hull, Tenn.	Phelan	Watson, Va.
Denison	Humphrey, Wash.	Platt	Whaley
Dent	Humphreys, Miss.	Porter	Wheeler
Dill	Hutchinson	Powers	Williams, W. E.
Dillon	Igoe	Price	Williams, Ohio
Dixon	Jacoway	Raker	Wilson, Ill.
Doolittle	James	Ramseyer	Wilson, La.
Doremus	Johnson, S. Dak.	Randall	Wingo
Doughton	Johnson, Wash.	Reavis	Wood, Ind.
Dowell	Kahn	Reilly	Woods, Iowa
Dunn	Keams	Ricketts	Woodyard
Dyer	Keating	Roberts, Nev.	Young, N. Dak.
Edmonds	Keister	Rogers	

NAYS—33.

Almon	Dickinson	Klinchloe	Rouse
Aswell	Dies	McKellar	Sherwood
Bailey	Eagle	Moon	Stephens, Miss.
Barkley	Emerson	Morgan, La.	Thomas
Bell	Garner	Oliver	Webb
Black	Gray, Ind.	Park	Young, Tex.
Burgess	Helm	Quin	
Cox	Hensley	Rainey	
Decker	Johnson, Ky.	Rayburn	

ANSWERED "PRESENT"—1.

Rucker

NOT VOTING—120.

Aiken	Dale, N. Y.	Gray, Ala.	Kreider
Anthony	Davenport	Griest	Lafean
Bacharach	Dewalt	Griffin	Leshner
Barchfeld	Dooling	Guernsey	Lewis
Beakes	Driscoll	Hamill	Lieb
Beales	Drukker	Hamilton, N. Y.	Liebel
Benedict	Dupré	Hart	Lindbergh
Bowers	Eagan	Haskell	Linthicum
Bruckner	Elston	Heaton	Lobeck
Brumbaugh	Ferris	Heflin	Loft
Buchanan, Ill.	Finley	Hill	Loud
Callaway	Focht	Hinds	McCracken
Carew	Fordney	Howard	McCulloch
Carter, Okla.	Foss	Howell	McFadden
Cary	Foster	Hull, Iowa	McKenzie
Casey	Frear	Husted	McLemore
Charles	Gillett	Jones	Maher
Coleman	Glynn	Kennedy, R. I.	Miller, Minn.
Copley	Graham	Kless, Pa.	Miller, Pa.
Cullop		Konop	Mooney

Moore, Ind.	Pratt	Schall	Swift
Morrison	Ragsdale	Scott, Pa.	Talbot
Norton	Rauch	Scully	Treadway
Oldfield	Riordan	Siegel	Vare
O'Shaunessy	Roberts, Mass.	Sisson	Ward
Parker, N. J.	Rodenberg	Slemp	Watson, Pa.
Parker, N. Y.	Rowe	Smith, Idaho	Williams, T. S.
Patten	Rowland	Smith, Minn.	Wilson, Fla.
Peters	Russell, Ohio	Steele, Pa.	Winslow
Pou	Sanford	Stout	Wise

So the amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. OLDFIELD with Mr. SANFORD.
 Mr. AIKEN with Mr. HAMILTON of New York.
 Mr. BEAKES with Mr. SWIFT.
 Mr. KONOP with Mr. BARCHFELD.
 Mr. SCULLY with Mr. DRUCKER.
 Mr. DALE of New York with Mr. HASKELL.
 Mr. DOOLING with Mr. PRATT.
 Mr. BRUCKNER with Mr. NORTON.
 Mr. DUPRÉ with Mr. GILLET.
 Mr. FERRIS with Mr. KESS of Pennsylvania.
 Mr. McLEMORE with Mr. McCULLOCH.
 Mr. GRIFFIN with Mr. ROWLAND.
 Mr. TALBOT with Mr. BOWERS.
 Mr. BRUMBAUGH with Mr. ANTHONY.
 Mr. BUCHANAN of Illinois with Mr. BACHARACH.
 Mr. CASEY with Mr. CHARLES.
 Mr. CULLOP with Mr. COLEMAN.
 Mr. DAVENPORT with Mr. COPLEY.
 Mr. DEWALT with Mr. ELSTON.
 Mr. DRISCOLL with Mr. FOCHT.
 Mr. EAGAN with Mr. FORDNEY.
 Mr. FINLEY with Mr. FOSS.
 Mr. FOSTER with Mr. GLYNN.
 Mr. GRAY of Alabama with Mr. GRAHAM.
 Mr. GREGG with Mr. GRIEST.
 Mr. HAMILL with Mr. GUERNSEY.
 Mr. HART with Mr. HEATON.
 Mr. HOWARD with Mr. HILL.
 Mr. LEWIS with Mr. HULL of Iowa.
 Mr. LIEB with Mr. HUSTED.
 Mr. LIEBEL with Mr. KENNEDY of Rhode Island.
 Mr. LINTHICUM with Mr. KREIDER.
 Mr. MORRISON with Mr. McFADDEN.
 Mr. O'SHAUNESSY with Mr. McKENZIE.
 Mr. PATTEN with Mr. MILLER of Minnesota.
 Mr. RAGSDALE with Mr. MOONEY.
 Mr. RAUCH with Mr. MOORES of Indiana.
 Mr. SISSON with Mr. PARKER of New York.
 Mr. STEELE of Pennsylvania with Mr. PETERS.
 Mr. STOUT with Mr. ROBERTS of Massachusetts.
 Mr. WILSON of Florida with Mr. RODENBERG.
 Mr. WISE with Mr. ROWE.
 Mr. CAREW with Mr. SCHALL.
 Mr. FLYNN with Mr. SIEGEL.
 Mr. JONES with Mr. SLEMP.
 Mr. LESHNER with Mr. SMITH of Idaho.
 Mr. LOBECK with Mr. SMITH of Minnesota.
 Mr. LOFT with Mr. TREADWAY.
 Mr. MAHER with Mr. VARE.
 Mr. POU with Mr. WARD.
 Mr. RIORDAN with Mr. WATSON of Pennsylvania.
 Mr. CALLAWAY with Mr. THOMAS S. WILLIAMS.
 Mr. CARTER of Oklahoma with Mr. WINSLOW.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors. The amendment is agreed to. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. MANN: Amend, on page 75, after line 25, by inserting as a new paragraph the following:
 "To make investigation relating to the production, transportation, storage, preparation, marketing, manufacture, and distribution of agricultural food products, including the extent, manner, and methods of any manipulation of the markets or control of the visible supply of such food products, or any of them, by any individuals, groups, associations, combinations, or corporations, \$50,000."

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. BORLAND) there were 214 yeas and 14 nays.

So the amendment was agreed to.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. BORLAND. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BORLAND. I am not.

Mr. RUBEY. I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. RUBEY. I am not.

The SPEAKER. Is any gentleman on the committee opposed to the bill? If not, the Chair will recognize the gentleman from Missouri [Mr. RUBEY], a member of the committee.

Mr. RUBEY. Mr. Speaker, I offer the following motion to recommit to the Committee on Agriculture with instructions to strike out on page 58, lines from 11 to 18, inclusive, and report forthwith.

Mr. LEVER. On that I move the previous question.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. RUBEY moves to recommit the bill to the Committee on Agriculture with the instructions to report the same back forthwith striking out the lines from 11 to 18, inclusive, on page 58, which read as follows: "For all necessary expenses for enforcing the provisions of the act approved March 4, 1913 (37 Stats. L., pp. 847 and 848), relating to the protection of migratory game and insectivorous birds, and for cooperation with local authorities in the protection of migratory birds, and for necessary investigations connected therewith, \$50,000."

The SPEAKER. The question is on the motion to recommit with instructions.

The question was taken, and the motion was lost.

The bill was passed.

On motion of Mr. LEVER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BOARD OF REGENTS SMITHSONIAN INSTITUTION.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 187, providing for filling a vacancy in the Board of Regents for the Smithsonian Institution.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from Missouri if this is agreeable to the Board of Regents?

Mr. LLOYD. It is.

Mr. MANN. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the Senate joint resolution, as follows:

Joint resolution (S. J. Res. 187) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress.

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, caused by the resignation of Andrew D. White, of New York, be filled by the appointment of Henry White, a citizen of Maryland.

The SPEAKER. The question is on the passage of the Senate joint resolution.

The question was taken, and the joint resolution was passed.

IMMIGRATION BILL.

Mr. BURNETT. Mr. Speaker, I desire to present a conference report on the immigration bill for printing under the rule, and I will give notice that on Thursday next immediately after reading the Journal I will call it up.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

H. R. 10384. An act to regulate the immigration of aliens to, and the residence of aliens in, the United States.

NIAGARA RIVER.

Mr. FLOOD. Mr. Speaker, I ask to take from the Speaker's table Senate joint resolution 186, authorizing the Secretary of War to issue temporary permits for additional diversion of water from the Niagara River, and I ask unanimous consent that the House insist on its amendments and agree to the conference asked for.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table Senate joint resolution 186, insist on the amendments of the House, and agree to the conference asked for. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. FLOOD, Mr. CLINE, and Mr. COOPER of Wisconsin.

HOOR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. The purpose of this is to give an opportunity to the Committee on Education to take up the vocational education bill and spend about two hours on it.

Mr. MANN. To be followed by the Post Office appropriation bill?

Mr. KITCHIN. No; and then take up the rule for the Adamson resolution for the extension of the Newlands committee.

Mr. MANN. And then to be followed by the Post Office appropriation bill?

Mr. KITCHIN. Yes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. NICHOLS of Michigan was given leave to withdraw papers and petitions on the files of the House, without leaving copies, in the case of Joseph Harrison, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. LOBECK, by unanimous consent, was given leave of absence for two weeks, on account of illness.

REPORT OF THE NEWLANDS COMMITTEE (H. REPT. NO. 1269).

The SPEAKER laid before the House the report from the joint subcommittee on Interstate Commerce to the Senate and House of Representatives, which was ordered printed.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Tuesday, January 9, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for the transfer of the Government exhibit, or such portion thereof as the President may determine is advisable, now at the Panama-California International Exposition, at San Diego, Cal., to the Mississippi Centennial Exposition, at Gulfport, Miss. (H. Doc. No. 1889); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting an item for inclusion in the general deficiency bill under the title of appropriation, "Expenses of Indian commissioners," fiscal years 1914 and 1915 (H. Doc. No. 1890); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting two items for inclusion in the general deficiency bill (H. Doc. No. 1891); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of Labor submitting an estimate of deficiency in the appropriation for rent, Department of Labor, for the fiscal year ending June 30, 1917 (H. Doc. No. 1892); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Sacramento River, Cal., from Chico Landing to Red Bluff (H. Doc. No. 1893); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

6. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of Commerce submitting an estimate of appropriation required by the Bureau of Fisheries of the Department of Commerce for repairing and overhauling the steamer *Fish Hawk* (H. Doc. No. 1894); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, recommending amendment of estimate submitted for contingent expenses, Independent Treasury, for the fiscal year ending June 30, 1918 (H. Doc. No. 1895); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting an estimate of appropriation required by the War Department for the service of the fiscal year ending June 30, 1918 (H. Doc. No. 1896); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Secretary of the Treasury, recommending that an item of \$75,000 be included in the general deficiency bill for contingent expenses, Independent Treasury, 1917 (H. Doc. No. 1897); to the Committee on Appropriations and ordered to be printed.

10. A letter from the Secretary of the Treasury, submitting estimates of additional deficiencies in appropriations for the fiscal year 1917 (H. Doc. No. 1898); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BROWNING: A bill (H. R. 19776) to authorize the United New Jersey Railroad & Canal Co., and such other corporation or individuals as may be associated with it, to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden, State of New Jersey, and Petty Island, in said county and State; to the Committee on Interstate and Foreign Commerce.

By Mr. BORLAND: A bill (H. R. 19777) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. RANDALL: A bill (H. R. 19778) to prohibit the importation of intoxicating liquors into the Territory of Hawaii, and to prohibit the manufacture and sale of such liquors therein; to the Committee on the Territories.

By Mr. TILSON: A bill (H. R. 19779) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS: A bill (H. R. 19780) to regulate interstate employment agencies; to the Committee on Labor.

By Mr. HAYDEN: A bill (H. R. 19781) relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices; to the Committee on the Public Lands.

By Mr. HOWARD: A bill (H. R. 19782) to prohibit commerce in intoxicating liquors between the States in certain cases; to the Committee on the Judiciary.

By Mr. SHERLEY: A bill (H. R. 19783) to equip the United States penitentiaries at Atlanta, Ga., and Leavenworth, Kans., for the manufacture of supplies for the use of the Government, for the compensation of the prisoners for their labor, and for other purposes; to the Committee on the Judiciary.

By Mr. BAILEY (by request): A bill (H. R. 19784) to prevent the holding of land out of use in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. FERRIS: A bill (H. R. 19785) authorizing the Secretary of the Interior to grant extension of time for making payments on land in Cheyenne and Arapahoe Indian Reservations in the State of Oklahoma; to the Committee on Indian Affairs.

By Mr. ESCH: Joint resolution (H. J. Res. 334) authorizing the President to appoint delegates to attend the Tenth International Congress of the World's Purity Federation, to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917; to the Committee on Foreign Affairs.

By Mr. EMERSON: Resolution (H. Res. 435) to pay National Guardsmen, now in the Federal service, one month's extra pay; to the Committee on Military Affairs.

By Mr. KENT: Resolution (H. Res. 436) providing for an investigation of leakage of information concerning the President's peace message; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENEDICT: A bill (H. R. 19786) granting a pension to William G. Bryce; to the Committee on Pensions.

By Mr. CHANDLER of New York: A bill (H. R. 19787) granting an increase of pension to James L. T. Sharp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19788) granting an increase of pension to Charles Shaffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19789) granting an increase of pension to George A. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19790) granting a pension to Charles H. Payne; to the Committee on Pensions.

Also, a bill (H. R. 19791) granting a pension to Carey Nation; to the Committee on Pensions.

By Mr. DARROW: A bill (H. R. 19792) granting an increase of pension to Philip Richards; to the Committee on Invalid Pensions.

By Mr. DILLON: A bill (H. R. 19793) granting an increase of pension to Isaac Luke; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 19794) granting a pension to Alice P. Knapp; to the Committee on Pensions.

By Mr. DRISCOLL: A bill (H. R. 19795) granting a pension to Cornelia A. Green; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 19796) granting a pension to John R. Walder; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 19797) granting a pension to Mary L. Marik; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 19798) granting an increase of pension to Norman K. Bedell; to the Committee on Pensions.

Also, a bill (H. R. 19799) granting an increase of pension to John Routin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19800) granting an increase of pension to George Witzel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19801) granting an increase of pension to William F. Raines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19802) granting an increase of pension to William P. Shepard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19803) granting a pension to Henry P. Redfearn; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 19804) granting an increase of pension to Hart Thompson; to the Committee on Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 19805) granting an increase of pension to Alonzo Spurgeon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19806) granting an increase of pension to Thomas Harman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19807) granting a pension to William Vanatta; to the Committee on Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 19808) granting an increase of pension to Sidney G. Sidner; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 19809) for the relief of Frank S. Ingalls; to the Committee on Claims.

Also, a bill (H. R. 19810) granting a pension to Cornelius Whitby; to the Committee on Pensions.

By Mr. HAYES: A bill (H. R. 19811) granting an increase of pension to Houston Halstead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19812) granting an increase of pension to Callie Hitchcock; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 19813) granting an increase of pension to Andrew Gorman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19814) granting an increase of pension to Alexander J. Souden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19815) granting an increase of pension to Israel L. Hahn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19816) granting an increase of pension to Thomas C. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19817) granting an increase of pension to Albert T. Crow; to the Committee on Invalid Pensions.

By Mr. HOOD: A bill (H. R. 19818) granting an increase of pension to Henry B. Gaylor; to the Committee on Pensions.

By Mr. HULL of Iowa: A bill (H. R. 19819) granting an increase of pension to George F. Bennett; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 19820) granting an increase of pension to George Brumbaugh; to the Committee on Invalid Pensions.

By Mr. KENT: A bill (H. R. 19821) granting an increase of pension to Alden Youngman; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 19822) granting a pension to James W. Hendrickson; to the Committee on Pensions.

Also, a bill (H. R. 19823) granting a pension to Charles Diesron; to the Committee on Pensions.

By Mr. LENROOT: A bill (H. R. 19824) granting an increase of pension to George Langley; to the Committee on Invalid Pensions.

By Mr. LOFT: A bill (H. R. 19825) granting a pension to Mathias Kennedy; to the Committee on Pensions.

Also, a bill (H. R. 19826) granting a pension to Stanley W. Lemley; to the Committee on Pensions.

Also, a bill (H. R. 19827) granting an increase of pension to Marian A. Jaques; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19828) granting an increase of pension to Stephen Higgins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19829) granting an increase of pension to James N. McHenry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19830) granting an increase of pension to Franklin Manning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19831) granting an increase of pension to James E. Merrifield; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 19832) granting an increase of pension to Byron M. Luther; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 19833) granting an increase of pension to Albert J. Davis; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 19834) granting a pension to George R. Robinson; to the Committee on Pensions.

Also, a bill (H. R. 19835) granting a pension to Hugh T. Roberts; to the Committee on Pensions.

Also, a bill (H. R. 19836) granting a pension to Charles Anderson; to the Committee on Pensions.

Also, a bill (H. R. 19837) granting a pension to Nancy A. B. Easton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19838) granting a pension to John P. Fox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19839) granting a pension to Alsinda Johnston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19840) granting an increase of pension to John Trenter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19841) granting an increase of pension to John J. West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19842) granting an increase of pension to George A. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19843) granting an increase of pension to John Hazlett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19844) granting an increase of pension to Joseph Hoskins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19845) granting an increase of pension to James N. McHenry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19846) granting an increase of pension to James E. Merrifield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19847) granting an increase of pension to Charles Shaffer; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 19848) granting a pension to James M. Howard; to the Committee on Pensions.

Also, a bill (H. R. 19849) granting a pension to Raleigh J. Stanberry; to the Committee on Pensions.

Also, a bill (H. R. 19850) granting an increase of pension to Joseph F. Turner; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 19851) granting a pension to Andrew B. Erb; to the Committee on Pensions.

Also, a bill (H. R. 19852) granting a pension to Charles Anderson; to the Committee on Pensions.

Also, a bill (H. R. 19853) granting an increase of pension to James Flanagan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19854) granting an increase of pension to Joseph Hoskins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19855) granting an increase of pension to John Hazlett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19856) granting an increase of pension to William L. Faucett; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 19857) granting an increase of pension to Alexander H. Lamb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19858) granting an increase of pension to Isaac Vervalen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19859) granting a pension to Ellis B. McNeeley; to the Committee on Pensions.

Also, a bill (H. R. 19860) granting an increase of pension to Thomas A. Caldwell; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 19861) granting an increase of pension to Florelle F. Brown; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 19862) granting an increase of pension to Harry Noel; to the Committee on Pensions.

Also, a bill (H. R. 19863) granting a pension to William C. Scott; to the Committee on Pensions.

By Mr. SHOUSE: A bill (H. R. 19864) granting an increase of pension to Rufus G. Cook; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 19865) for the relief of William Mortensen; to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 19866) for the relief of Ed W. Ramage; to the Committee on Military Affairs.

By Mr. STEELE of Iowa: A bill (H. R. 19867) granting an increase of pension to Alfred A. Alline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19868) granting an increase of pension to Alfred H. Gardner; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 19869) granting an increase of pension to William McDonald; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 19870) granting an increase of pension to Gordon H. Williams; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 19871) granting an increase of pension to P. T. Martin; to the Committee on Invalid Pensions.

By Mr. VAN DYKE: A bill (H. R. 19872) granting a pension to Nicholas Krey; to the Committee on Pensions.

By Mr. WHEELER: A bill (H. R. 19873) granting an increase of pension to Hannah J. Estill; to the Committee on Invalid Pensions.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 19874) granting an increase of pension to Mary J. Hill; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 19875) granting a pension to William McCann; to the Committee on Pensions.

By Mr. WINSLOW: A bill (H. R. 19876) granting an increase of pension to George W. Webber; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 19877) granting an increase of pension to Otto Schellhorn; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 19878) granting an increase of pension to John Mallett; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: Joint resolution (H. J. Res. 333) for the relief of N. B. Pettibone; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petitions of Alfred Pearce, Charles Salkeld, O. G. Stutler, Ralph H. Wicks, James B. Custer, Louis Wills, Edward Jenkins, Walter Davey, Thomas P. Carey, Thomas Hardy, C. F. Bunton, August Soupart, Joseph Steele, Daniel Jordan, A. A. Miller, Francis Wortz, Charles Brosch, William Shuck, Herman Brosch, Levi Koontz, Michael Hughes, Ralph Buchanan, W. A. Jackman, Mart Voyce, William L. Dunmire, Charles E. Leis, Harry Gay, Bert Box, Harry Kable, E. J. Morgan, E. E. Paul, O. H. Jennings, Joseph Lloyd, Henry Mapstone, Robert J. Bunton, Benjamin Thomas, Alf. Jensen, Thomas Cooney, George Costello, J. C. Penrod, Willis E. Burnett, S. H. Nederlander, J. W. Roozer, William Hughes, William Lidwell, Leo McDavis, Waldo Dunmire, Fred Treveren, and C. B. Gilpatrick, all of South Fork; John M. Sloan, of Ehrenfeld; and John Reed, of Croyle Township, all in the State of Pennsylvania, for an embargo on the exportation of farm products, clothing, and other necessities of life; to the Committee on Interstate and Foreign Commerce.

By Mr. BARCHFELD: Memorial of Duquesne Heights Methodist Episcopal Church, Washington Avenue Methodist Episcopal Church, and the Mount Washington Baptist Church, all of Pittsburgh, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Pittsburgh (Pa.) Typographical Union, No. 7, favoring bills to increase the salaries of printers employed in the United States Post Office Service in the various cities; to the Committee on the Post Office and Post Roads.

Also, petition of the Pittsburgh (Pa.) Typographical Union, No. 7; the Woman's Benefit Association of the Maccabees; the Supreme Council of the Independent Order of Puritans; the United Presbyterian Board of Publication, the United Presbyterian, and Thomas A. Duff, of Pittsburgh, against amendment to appropriation bill to make a zone system to all magazines and periodicals now mailed as second-class matter; to the Committee on the Post Office and Post Roads.

Also, memorial of Pittsburgh (Pa.) Typographical Union, No. 7, against passage of bill for prohibition in the District of Columbia and against national prohibition; to the Committee on the Judiciary.

Also, petition against House bill 18986, prohibiting the use of the United States mails to papers and magazines containing liquor advertisements; to the Committee on the Judiciary.

By Mr. BENEDICT: Petition of A. J. Kelly and others, of California, praying for the passage of the volunteer officers' retired list of the Civil War; to the Committee on Military Affairs.

Also, memorial of Board of Trade of San Francisco; Credit Men's Association of Los Angeles; and the Wholesalers' Board of Trade of Los Angeles, all in the State of California, opposing the proposed repeal of the national bankruptcy law; to the Committee on Banking and Currency.

Also, petition of Foothills Valley Federation of California, in favor of a food embargo; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Alfred Sidney Johnson, of Pasadena, Cal., in favor of an act to give full force to the migratory-bird-protection treaty; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE: Petition signed by 35 citizens of Manitowoc, Wis., protesting against the passage of either of the following bills: House bill 18986, Randall mail-exclusion bill; Senate bill 4429, Bankhead mail-exclusion bill; Senate bill 1082, District of Columbia prohibition bill; House joint resolution 84, nation-wide prohibition bill; and House bill 17850, prohibit commerce in in-

toxicating liquors between the States; to the Committee on the Post Office and Post Roads.

Also, petitions signed by Ferd Schmutzler and 55 other business men and citizens of Watertown, Wis., protesting against the passage of either of the following bills: House bill 18986, mail-exclusion bill; Senate bill 4429, mail-exclusion bill; Senate bill 1082, District of Columbia prohibition bill; House joint resolution 84, nation-wide prohibition bill; and House bill 17850, prohibiting commerce in intoxicating liquors between the States; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petitions of Northwestern Lithographing Co., W. F. Nackie Paper Co., Philipp-Schulz, and Wilmanns Bros. Co., all of Milwaukee, Wis., opposing Senate bill 4429 and House bill 18986; to the Committee on the Post Office and Post Roads.

Also, petitions of Robert J. Bulkley, of Cleveland, Ohio; W. D. Boyce Co., of Chicago; Imperial Lithographing Co., of Milwaukee; and Milwaukee Typographical Union No. 23, in re second-class postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of International Union of the United Brewery Workmen, for increase in Government salaries; to the Committee on Reform in the Civil Service.

Also, petitions of International Union of the United Brewery Workmen, opposing prohibition measures; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of Chamber of Commerce of New York, relative to pneumatic-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of Interstate Electric Novelty Co., Brooklyn, N. Y., against zone bill; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Memorial of National Temperance Council, favoring prohibition bills; to the Committee on the Judiciary.

Also, petition of Lake County Rural Letter Carriers' Association, Madison, S. Dak., relative to expending appropriation for post roads; to the Committee on the Post Office and Post Roads.

By Mr. DYER: Petition of sundry publishing companies of the United States against increase in postage on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. EAGAN: Petition of sundry citizens of New Jersey, opposing prohibition measures; to the Committee on the Judiciary.

Also, petitions of sundry citizens of New Jersey, in favor of the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, petition of New York State Federation of Labor; International Typographical Union of Indianapolis, Ind.; and the Woman's Benefit Association of the Maccabees, in re increase in second-class postage; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of sundry citizens of La Crosse, Wis., against prohibition bills; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of 1,902 residents of the United States, favoring an embargo on wheat; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLIVAN: Petition of sundry citizens of Boston, against prohibition bills; to the Committee on the Judiciary.

Also, memorial of American Association of State Highway Officials, in re topographic map of the United States; to the committee on the Public Lands.

Also, petition of employees of the engraving division of the Bureau of Engraving and Printing, asking increase in pay; to the Committee on Appropriations.

Also, petition of New York State Federation of Labor, against increase in postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of International Union of the United Brewery Workmen, favoring increase in pay of Government employees; to the Committee on Appropriations.

By Mr. GARNER: Petition of post-office employees of Beeville, Tex., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. GORDON: Petition of sundry citizens of Ohio, opposing various prohibition measures; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Papers to accompany House bill 19703, granting an increase of pension to Joseph H. Steel; to the Committee on Invalid Pensions.

By Mr. KING: Petition of Kewanee Typographical Union, No. 164, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petitions of Locals Nos. 39 and 239, International Union of United Brewery Workmen, of Quincy, Ill., against national prohibition; to the Committee on the Judiciary.

Also, petition of Fred Young and other employees of Galesburg (Ill.) post office, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. NOLAN: Petition of I. Maginn & Co., San Francisco, Cal., against House bill 13568, the Stephens bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Stone and Building Laborers' Union No. 46, Washington, D. C., favoring House bill 5783, relative to changing Division of Information, Department of Labor; to the Committee on Labor.

By Mr. PARKER of New York: Petition of employees of post office, Rensselaer, N. Y., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Petitions of Curtis Publishing Co., of Philadelphia; Central Federated Union of New York; the Bankers' Publishing Co., of New York; the W. D. Boyce Co., of Chicago; Bonforts' Wine & Spirit Circular, of Louisville, Ky., opposing increase in second-class postage rate; to the Committee on the Post Office and Post Roads.

Also, memorial of Chamber of Commerce of State of New York in re congressional inquiry into interstate transportation; to the Committee on Interstate and Foreign Commerce.

Also, petition of William H. Cummings, of New York; Harris & Fuller, of New York; and Mailer & Clerk, of New York, in re pneumatic-tube service in New York; to the Committee on the Post Office and Post Roads.

By Mr. SANFORD: Petitions of citizens of Albany, N. Y., against passage of prohibition bills; to the Committee on the Judiciary.

By Mr. SIEGEL: Memorial protesting against the curtailment of the pneumatic-mail service in New York City; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Petition of Rae S. Corliss, of Albion, Mich., favoring passage of the Smith-Hughes bill; to the Committee on Education.

Also, petition of Rt. Rev. Frank A. O'Brien, of Kalamazoo, Mich., against zone bill; to the Committee on the Post Office and Post Roads.

By Mr. SNELL: Memorial of George G. Hutchinson, H. C. Loyd, H. F. Plumb, R. V. McPherson, railway postal clerks, asking an immediate increase in salary of \$200 per annum for all railway postal clerks; to the Committee on the Post Office and Post Roads.

Also, memorial of the Hotel Men and Liquor Dealers' Association, of St. Lawrence County, N. Y., protesting against the passage of Senate bill 1082; to the Committee on the Judiciary.

By Mr. SNYDER: Petition of members of the International Union of United Brewery Workmen, of Utica, N. Y., against prohibition measures; to the Committee on the Judiciary.

Also, communications from the Federated Men's Class of Herkimer County, N. Y., and Tabernacle Baptist Baraca Class, of Utica, N. Y., and the Men's Class of the First Methodist Episcopal Church, Frankfort, N. Y., favoring various measures for prohibition now before Congress; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of sundry railway employees, for eight-hour-day law; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry post-office employees, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. TAVENNER: Memorial of Boiler Makers, Helpers, and Iron-Ship Builders of America, Local No. 377, favoring an embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. TEMPLE: Petition of National Temperance Council, Boston, Mass., in favor of House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

Also, petition of James Sabin, Fritz Kramer, John Vetter, and others, protesting against House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

By Mr. THOMAS: Memorial of farmers and miners of Muhlenberg County, Ky., relative to high cost of living; to the Committee on Interstate and Foreign Commerce.

By Mr. VARE: Memorial of United Business Men of Philadelphia, Pa., urging continuation of pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

By Mr. WINSLOW: Petition of Woman's Christian Temperance Union of Worcester, Mass., for national constitutional prohibition amendment; to the Committee on the Judiciary.